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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
STATE OF MICHIGAN—Part 11

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-THIRD CONGRESS
SECOND SESSION

NOVEMBER 17, 1954

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES
UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

* * * * *

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE STATE OF MICHIGAN—Part 11

WEDNESDAY, NOVEMBER 17, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The Committee on Un-American Activities met, pursuant to call, at 10:14 a. m., in the caucus room, 362, Old House Office Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Kit Clardy, Gordon H. Scherer, Francis E. Walter, and Morgan M. Moulder.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., chief clerk; Donald Appell, Courtney E. Owens, and George E. Cooper, investigators.

Mr. VELDE. The committee will be in order.

Mr. Reporter, let the record show that present are Mr. Clardy, Mr. Scherer, Mr. Walter, Mr. Moulder, and myself as the chairman, a quorum of the full committee.

Before calling the first witness, I should like to state the witnesses called today are from the States of Michigan and Ohio.

This hearing is a continuation of the hearings which were held in the State of Michigan in May of this year, and in Dayton in September of this year.

At the time the committee originally scheduled its hearings in Michigan, sufficient witnesses were subpoenaed to assure the committee a full 2-week hearing.

However, the legislative program of the House, including the passage of the St. Lawrence Waterway bill, necessitated the return of the committee members to Washington before calling all of the witnesses under subpoena.

The witnesses are largely individuals who have been identified as members of the Communist Party, sent into the Michigan area for the purpose of obtaining employment in the auto industry and thereby bringing Communist influence into the labor locals.

Several of the witnesses under subpoena falling outside the category of colonizers have been brought to Washington because the committee has knowledge they are in possession of information concerning Communist activities in the Michigan area and, further, because the committee knows they have no reason to withhold this information.

Whether they give the committee, through testimony, the benefit of their knowledge or whether they refuse to do so is solely within their power.

The shortness of time allotted to the conduct of the hearings in Dayton has resulted in the necessity of continuing that hearing by calling several witnesses for further testimony.

Mr. Counsel, you may call your first witness.

Mr. TAVENNER. Mr. Robert A. Carter, will you come forward, please?

Mr. VELDE. Will you raise your right hand?

In the testimony you are about to give before this committee, do you solemnly swear that you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. CARTER. I do.

TESTIMONY OF ROBERT ALAN CARTER, ACCOMPANIED BY HIS COUNSEL, HAROLD A. CRANFIELD AND JOSEPH L. RAUH, JR.

Mr. TAVENNER. What is your name, please, sir?

Mr. CARTER. Robert Alan Carter.

Mr. TAVENNER. I notice you are accompanied by counsel. Will counsel please identify themselves for the record?

Mr. CRANFIELD. My name is Harold A. Cranfield. I am an attorney of the Michigan bar and of other States and Federal courts.

Mr. RAUH. My name is Joseph L. Rauh—R-a-u-h—Jr., 1631 K Street, Washington, D. C.

Mr. TAVENNER. When and where were you born, Mr. Carter?

Mr. CARTER. Born in Flint, Mich., July 1, 1916.

Mr. TAVENNER. Mr. Carter, you are not called before this committee on the basis of any testimony or any information or belief on the part of the Committee on Un-American Activities that you have ever been identified in any way with the Communist Party.

You are called here for the sole purpose of answering questions regarding your knowledge, if any, you have regarding Communist Party activities in the area of Flint, Mich.

I believe you are the regional director for the UAW-CIO in the Flint area, are you not?

Mr. CARTER. Yes; Flint, Lansing, Fenton, and Owosso.

Mr. TAVENNER. That is the area which is covered by your regional directorship?

Mr. CARTER. Yes; it is.

Mr. TAVENNER. What is the proper designation of your region?

Mr. CARTER. It is region 1-C.

Mr. TAVENNER. How many local unions are included within your directorship, and what are their names?

Mr. CARTER. I couldn't quote them all verbatim or the exact number. I can start reading them off and hope that I get them all.

In Flint we have AC Spark Plug Co., Buick, Chevrolet, Turstedt, two Fisher Body plants, Palace Travel Coach, Standard Cotton, and several smaller plants that come under the Palace Travel Coach local.

Mr. CLARDY. Under the Palace, you say?

Mr. CARTER. Under the Palace local. It is an amalgamated local.

Mr. CLARDY. Sort of a subsidiary to that main one or a branch?

Mr. CARTER. No; they are a part of it. You see, where there are small locals which cannot maintain themselves, we make them all a part of the large local, and they all have an equal voice.

In Fenton we have 2 or 3 small industries—Fenton Tool Industry; Fenton Tool & Die. I am not sure of it.

In Owosso we have Redmond's Auto-Lite and several smaller locals that are part of the Redmond local, Redmond amalgamated.

In Lansing we have Oldsmobile, Fisher Body, Reo, and 724, which takes in several small unions.

Mr. CLARDY. Is Motor Wheel in that group?

Mr. CARTER. No; Motor Wheel is an American Federation of Labor union.

Mr. TAVENNER. Over what period of time have you been the regional director of C-1?

Mr. CARTER. I was elected in March of 1951.

Mr. TAVENNER. Have you held any positions within that region in the union prior to your elevation to your present position?

Mr. CARTER. Oh, yes; several.

Mr. TAVENNER. Will you describe the principal positions?

Mr. CARTER. I was president of A. C. local; I was chairman of the bargaining committee in A. C. local; for 3 years I was——

Mr. TAVENNER. Excuse me. When were you president of the A. C. local?

Mr. CARTER. 1947 until 1948, the spring of each year. I am not sure of the exact date; 3 years preceding that I was chairman of the bargaining committee in that local union.

I was three times president of the Greater Flint Industrial Council; then a district committeeman; served as labor's representative on the OPA in the area; been vice president of the State CIO; and probably a lot of other ones; but those are the principal ones.

Mr. TAVENNER. Mr. Carter, during the course of the hearings which this committee conducted in Detroit, and in Flint during April and May of 1954 a secret directive of the Communist Party was brought to light which exposed the Communist Party plan to colonize industry.

It was the view of this committee that this plan of colonization was designed to strengthen Communist Party units in that vital area, and that it was also intended to make available in that area intelligent and trained Communist Party leadership for future activity in that area.

The effort exerted by the Communist Party to put that plan into effect and the extent of its success is under a continuing investigation by this committee.

Quite a few witnesses were heard on that subject, both at Detroit and in Flint.

Quite a number of persons answering the category of colonizers, as I have indicated, were identified in the testimony taken at those two places.

The September 8, 1954 issue of the State Journal, a newspaper published in Lansing, Mich., has come to the attention of the committee, in which it is reported that you made a statement in the course of a speech which you delivered on the preceding day before the Lions Club and the Optimist Club in Lansing, indicating that you have some knowledge on that subject, and it is with regard to that I desire to question you particularly.

This news article referred to quotes you in this manner:

"These 27"—

the 27, parenthetically, related to certain individuals who had been identified as colonizers during the course of the testimony before the committee—

"were known before Kit Clardy and his House Subcommittee on Un-American Activities ever probed into the situation," Carter declared.

"Seventeen of them," he stated, "were known just as soon as they showed in meetings. Most of them were sent to Flint from New York and most of them were educated in the City College of New York. They were spotted because they talked way over the heads of the union man and because they knew nothing of automobile-plant work," Carter said.

The speaker said, "The other 10 were regular automobile-plant workers, and although it took a little longer we found them out."

Were you correctly reported in that article?

Mr. CARTER. Well, pretty close to correct. The quoting of the figures, of the amount of people, is not correct.

I don't believe I quoted a figure. I believe, if my memory serves me right, either fortunately or unfortunately—I don't know which—I never write a speech and I have no copy of the speech; but, as I recall, I said that no one was exposed that we already do not know.

Now, it is actually only a partial quote there, too, because if I may go a little further than your question on this matter, my speech in front of the Lions club was on the subject of capital and labor's part in democracy, and this was only a small portion of the speech, and it followed the newspaper article in Flint which had quoted the chairman of the subcommittee as stating that he had exposed many people who held key positions in our union in the city of Flint, and that is what brought about my discussion when I said that was not true, that no one who was exposed held any key positions in our union.

Mr. CLARDY. Mr. Chairman.

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. I didn't see that and I have made no statement about exposing men in key positions in the union.

I wonder if you have a copy of the quotation of the speech?

Mr. CARTER. Unfortunately, I don't have that, and I believe, Congressman, it occurred in the Flint News-Advertiser, because I got clippings in the Journal. I didn't get that one.

Mr. CLARDY. If you could get it and give me a reference, I would appreciate it—

Mr. CARTER. I certainly will.

Mr. CLARDY. Because what I did say was that we had exposed some 27 colonizers and that there were 75 that we knew about yet to be exposed.

There was no reference made to any position that they occupied, but I did make this very clear and I apprehend that you didn't get it: that a Communist in any organization, my own, yours or any other, is dangerous to America regardless of the position that he occupies.

Now, that is what should have been quoted.

I see that you were given credit for saying 27. I apprehend that was because we had exposed 27 and they wove that into the story with your merely saying—

Mr. CARTER. It is a minor statement, anyway.

Mr. CLARDY. That is right.

It wasn't germane, really, or necessary.

Mr. CARTER. If I could have a couple of minutes, I think I could clear this matter up and clear up our position also, if you would care to let me talk for a couple minutes here to clear it up.

Mr. TAVENNER. I will be very glad to let you make any explanation you desire, but I believe for the moment if you will let me ask—

I say I believe that is entirely in order, but I believe before you make your explanation I would like to ask you 1 or 2 questions, following up the question that I just asked you.

You stated that the article which I read was in substance correct, and I am referring now particularly to your statement that 27 persons were known to you, or at least those that the committee had identified were known to you.

Now, I want to ask you whether you will furnish the committee with the names of any persons in addition to those 27 whom you place in the category of colonizers.

Mr. CARTER. I want to say this, at the outset: That I don't have any legal or probative evidence that any person is a member of the Communist Party. Therefore—

Mr. CLARDY. Pardon me. You mean even including the 27 whose identity we revealed in Michigan?

Mr. CARTER. Legal or probative evidence I don't have on any of them.

Mr. WALTER. As I understand the witness, then, what he stated was a mental operation. It was a conclusion he reached because of certain things that happened, but he did not have the kind of evidence that is admissible in a trial in court.

Isn't that it?

Mr. CARTER. That is correct. My obligation as a union officer requires me to keep close watch on as many of our membership as we can, and while I may know it myself, I do not have legal or probative evidence.

Mr. CLARDY. Would it be fair to say, then, you had what amounted to a suspicion or a belief that some of them were members, but that, unlike the committee, you did not have any evidence of probative value that could have been produced to prove that those people were?

Mr. CARTER. Just one second.

(At this point, Mr. Carter conferred with Messrs. Cranefield and Rauh.)

Mr. CARTER. As I stated previously, I don't have legal or probative evidence, didn't have then, but my beliefs are my own, of course.

Mr. CLARDY. Oh, certainly; and nobody is criticizing you for that because even the committee has many times concluded in its own mind that somebody may be a member of the party or not a member and still not be able to clinch it, and we try, and I think we succeed, never to have anybody identified before this committee unless and until we have evidence that will stand up and that will clinch it.

Now, on those 27 irrefutable evidence was produced before the committee, not only in Michigan, but at other places, linking these people with the Communist Party, and I assume that one of the things that made you say what you did was that you accepted our conclusion—at least in part—as proof in support of your belief.

Am I not correct there?

Mr. CARTER. I had those beliefs, Congressman, a long time before your committee was there.

Mr. CLARDY. Well, you couldn't do anything about it for the reasons you have indicated?

You didn't have any proof; so, you had to keep it to yourself?

Mr. CARTER. That's correct.

Mr. CLARDY. Thank you.

Mr. TAVENNER. I think that clears up the question I had in mind.

The inference from the article was that you knew you had knowledge of Communist Party membership of these colonizers, but actually it was a conclusion which you had reached on speculation and surmise and not on any tangible evidence.

Mr. WALTER. I think it was more than speculation, because, after all, when people are experts in this field they can spot a Commie in 5 minutes, and it is more than speculation.

While you can't prove a man has a card in his pocket, nevertheless his activities at a union meeting brand him as indelibly as if he had a great, big sign across his forehead.

They are not kidding as many people as they think they are, particularly labor leaders.

They don't kid them for one minute.

Mr. CLARDY. All of which prompts me, if I may, Mr. Chairman, to ask this question: When you had some pretty definite suspicions of that kind, why did you not bring that to the attention of the prior committee back in 1952?

Mr. CARTER. You are referring, I assume, Congressman, to the Mallard committee?

Mr. CLARDY. No, no. You are talking now about the testimony you gave in March of 1952 before an assistant attorney general, where you testified under oath, much as you are testifying now.

Mr. CARTER. Yes.

Mr. CLARDY. Now, I am saying this: If you did have such strong beliefs and suspicions, even though you didn't have proof, how did it happen that you didn't bring it to the attention of the House Committee on Un-American Activities or one of the Senate committees at that time that were deeply engaged in trying to help you clear the unions of Communist influences?

Mr. CARTER. Well, Congressman, we have done a pretty good job of clearing the unions of Communist influence by ourselves, and we haven't had to ask for outside help to do our job.

Mr. CLARDY. Well, you didn't get rid of any of those 27, did you?

Mr. CARTER. Congressman, I think you ought to check the provisions of the Taft-Hartley law and you will find out the only way we can bar a person from working in the plants or belonging to our union is by their refusal to pay dues.

Now we have consistently asked for changes in the Taft-Hartley law, even its repeal. We haven't gotten it.

Mr. CLARDY. You misapprehend what I was getting at: I started off by saying: Why did you not bring it to the attention of the committee?

Mr. CARTER. I think my first answer to that, Congressman, answers that, where I said I have no legal or probative evidence, and I can say further on that score, Congressman, from listening to the transcript of the hearings, as was played over the air in Flint, when you held the hearings there, and reading them in the papers, and so forth, I assume

the FBI has much more legal and probative evidence than any of us could provide and the committee was—that information apparently was made available to the committee.

Mr. CLARDY. No, not by the FBI. I see you are under the same misapprehension that a lot of people are.

We can give them information but, unfortunately, by law they are prohibited from giving it to us; but, at any rate, you did not take any move at any time against any of those of whom you had some suspicion.

Mr. MOULDER. Mr. Chairman.

Mr. VELDE. What type of move are you talking about, Mr. Congressman?

Mr. CLARDY. Any kind of move to get rid of them or to expose them, or do anything to break their backs as effective Communists in the labor movement.

Mr. CARTER. In each local union the job of enforcing our constitution was carried out. Our constitution is much stronger probably than the Constitution of the United States in this regard, in that we do not allow any member of the Communist, Nazi, or Fascist Parties to hold or even seek any office in our labor unions, and we carried out that obligation.

That's my obligation that I take under oath when I become an officer. It is an obligation that local union officers take, and we carried out that obligation, Congressman, and there is nothing further that we can do.

Mr. CLARDY. Now suppose this committee—and forget the 27—in the future should, as it undoubtedly will, reveal the identity of the 75 additional colonizers, whose identity we have. Suppose that should be laid out. Is there anything that the union can do to remove them from the positions they occupy, even though they are merely members of a local?

Mr. CARTER. Are you talking about the position of work in the shop, or positions in the union, because they don't hold any positions in our union.

If you are talking about their position in the shop, the job where they make their living, we do not have any legal rights to remove them.

In fact, we are restricted from it by the terms of the Taft-Hartley law.

Mr. CLARDY. And you have no authority, under your constitution, to take away their union membership; is that what you are saying?

Mr. CARTER. I want to say this, Congressman, that since 1941—not since 1952, but since 1941—we have had provisions in our constitution to prohibit Communist Party members, Nazis, Fascists, et cetera, from holding office in our union.

Now those provisions have been consistently strengthened, and if under the terms—and they are strengthened by delegates in convention that meet every 2 years, or elected delegates from all locals in the UAW—those delegates write our constitution and make all changes in the constitution.

They have made it consistently stronger, and if, under the terms of the Taft-Hartley law, we were allowed to expel people from membership, thus depriving them of their job, which it doesn't allow us, then I feel quite confident that the delegates to our convention would put the necessary legislation into our constitution.

Mr. CLARDY. I differ with your interpretation of the Taft-Hartley law; but, at any rate, as you understand it now, you are powerless to do anything about taking away their union membership?

Mr. CARTER. That's correct.

Mr. WALTER. May I direct your attention to the same constitution you are talking about, and I don't want to belabor this thing: After all, under the provision that you describe as harsh—I think that is the term you used—weren't certain Communist unions expelled from the CIO?

Mr. CARTER. Yes. Eleven unions representing a large amount of the membership.

I want to check that figure.

(At this point Mr. Carter conferred with Messrs. Cranefield and Rauh.)

Mr. CARTER. Around a half million people who were members of unions that were Communist dominated were expelled from the CIO.

Now, I don't want to infer here or anywhere else that those half million people were Communists. Definitely they were not, but they were Communist-controlled unions.

Mr. WALTER. Isn't one of the amendments of the Taft-Hartley Act, that I am very much in favor of, designed to assist the CIO in preventing harsh treatment to those people who were put out of the CIO because of membership in a Communist union, and if the law were amended so that the union, the CIO, could deal with individual cases, then nothing could be done to militate against those people who accidentally are members of a Communist-dominated union?

Mr. CARTER. I believe that's right, Congressman. That is my belief.

Mr. MOULDER. Mr. Chairman.

Mr. CLARDY. Why did the labor unions oppose some of our efforts to get that kind of amendment in this last session of Congress; do you know?

Mr. CARTER. I will have to check with counsel. I don't know the answer.

(At this point, Mr. Carter conferred with Messrs. Cranefield and Rauh.)

Mr. CARTER. I am not aware that they did. If they did, I can't explain it.

Mr. CLARDY. You wouldn't be in sympathy with it, if they did, then?

Mr. CARTER. Any amendment, Congressman, to any bill that gives us greater freedom to clean our own house I am in favor of.

Mr. MOULDER. Mr. Chairman.

Mr. CLARDY. Then you are certainly in favor of that type of legislation that enables the unions to clean house, the bill this committee had a great deal to do with, aren't you?

Mr. CARTER. I am not aware of the wording of the amendment, Congressman.

Mr. CLARDY. Not the Taft-Hartley law.

Mr. CARTER. I would be a little reluctant to answer without knowing its actual wording and meaning.

Mr. CLARDY. Well, it is off the beam. I will talk with you a little bit about it later.

Mr. VELDE. Mr. Moulder.

Mr. MOULDER. I want to make one comment in the beginning. As counsel stated, there is no charge or investigation of any affiliation on your part in connection with Communist Party activities.

Now, I want to ask you one question: At the time referred to by Mr. Clardy did you then possess or have any information or knowledge or do you now possess or have any information or knowledge concerning any Communistic activities on the part of any Communist, other than your opinion that someone may be a Communist?

Mr. CARTER. Again, Congressman, I would have to go back to the original statement that I don't have legal and probative evidence.

Mr. MOULDER. My point is: As I understand, you do not have any such information and you did not have any such information at that time other than your suspicion, as Congressman Walter has said, that you believed or spotted the person as probably being a Communist; but as far as having any evidence—that you did not have?

(At this point, Mr. Carter conferred with Messrs. Cranefield and Rauh.)

Mr. CARTER. I think I will use Congressman Walter's statement and stand on that. I think it summed it up pretty well.

Mr. MOULDER. The point I am getting at is that unless you did have, or have now, I can see no purpose of the committee in carrying on an argument with you about your functions in a labor union, and I don't think that is in your jurisdiction or duty to do unless you have any information about Communist activities.

Mr. CARTER. I not only agree with that, but I have got my deer place staked out and my gun oiled and I am not desirous of staying here any longer than I have to either.

Mr. MOULDER. I want to ask one more question—whether you have any legal obligation or compulsion to report an opinion or suspicion concerning something to this committee.

Mr. CARTER. I didn't follow that.

You say that I have a legal obligation?

Mr. MOULDER. I say that I can understand that you do not have.

Mr. CARTER. Oh, yes.

Mr. MOULDER. If everyone was running to this committee with some mere suspicion—

Mr. CARTER. Yes; I agree.

Mr. MOULDER. I assume millions of people would be under constant barrage.

Mr. CARTER. Lots of innocent people would be branded.

Mr. MOULDER. Yes; that is right.

Mr. CARTER. I agree with that.

Mr. WALTER. More you mean? Not a lot; more?

Mr. CARTER. Yes; more.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Might I interject just one question, Mr. Carter: If you do obtain information concerning Communist activities among your group, or any other group, as far as that is concerned, you won't hesitate to give that information?

Mr. CARTER. Certainly not, no more than if I observed a robbery—I assume I would be willing to be a witness in the case.

Mr. MOULDER. You would, of course, be willing and anxious to cooperate with this committee to give them any information you may have concerning communistic or subversive activities?

Mr. CARTER. Anything that I have that is legal and probative I certainly would be willing to give.

Mr. VELDE. Do you have anything further?

Mr. SCHERER. Do you know any persons who in your opinion are members of the Communist Party, other than the 27 who have been exposed?

Mr. MOULDER. I can see where that question would be very unfair.

Mr. SCHERER. I am not asking who they are. I haven't asked who they are. I have said whether he knows.

I have stayed away from asking who, other than the 27.

Mr. MOULDER. He hasn't indicated any evidence on his testimony that he has that knowledge.

Mr. SCHERER. I didn't say that.

Mr. WALTER. On the contrary, he didn't know there were 27.

Mr. SCHERER. May I put my question again?

Mr. VELDE. Mr. Scherer.

Mr. SCHERER. Other than those who have been exposed, the 27 or 25, are there any other individuals in your opinion who are members of the Communist Party?

Mr. CARTER. I think I answered that earlier, Congressman, when I said I do not have any legal or probative evidence.

Mr. SCHERER. I am not talking about legal or probative evidence. I am not asking you for the names. I am just asking whether or not, from what you have seen of their activities and from your observation of the individuals, there are any other individuals whom you believe to be members of the Communist Party, the same as you did these 27 or 25.

I am not asking you for their names.

(At this point, Mr. Carter conferred with Messrs. Cranefield and Raugh.)

Mr. CARTER. My answer on that is the same as the answer I have given.

Mr. SCHERER. What is that answer?

Mr. CARTER. That I do not have legal or probative evidence.

Mr. SCHERER. In understand that, but you said in a speech before the Lions Club that you knew 25 or 27 were members of the Communist Party long before they were exposed by the committee.

Mr. CARTER. Congressman, I question your right to question me on supposition.

If I have legal or probative evidence, I think you have the right to question me on it. I do not have, and I do not think you have that right to question me.

Mr. SCHERER. Well, I, of course, think I do have the right.

Mr. MOULDER. I will agree with the witness. I think this is a very unfair question because it calls for a conclusion upon which he has no evidence or—

Mr. WALTER. Mental operations or processes are no concern of ours.

Mr. SCHERER. You just said, Mr. Walter, a man in his position is able to tell a Communist by what he does in the union—what did you say, as if he had a sign on the front?

Mr. WALTER. That is right. I base that on years of experience in which I have tried important lawsuits, where I have called witnesses and asked them, "In your opinion, what is this and that?"

This man is the same kind of expert.

Mr. SCHERER. All right. That is the reason I agreed with your conclusion.

Mr. WALTER. Yes.

Mr. SCHERER. I certainly did. I think you are right in that conclusion, and I want to know if there are other individuals he knows, because he said he stood on your definition, who, in his opinion, are members of the Communist Party. I am not asking you the names. I just want to know if there are other individuals.

Are there others who are in the same category?

Mr. CARTER. I want to consult with counsel.

(At this point Mr. Carter conferred with Messrs. Cranefield and Rauh.)

Mr. CARTER. Congressman, I can answer that in this way: Under the provisions of our constitution, if any person whom I believe to be a member of any of the parties I have mentioned in my testimony should seek office in any of our local unions, I would be obligated to put them under trial.

Now, there are other individuals whom I know—if they sought office, I think I would seek trial procedure.

Mr. SCHERER. I understand that. I don't think you have answered the question, but suppose the committee, in a subsequent hearing in the State of Minnesota or here, would reveal the names of 5, 10, 15, 75 additional individuals, who were colonizers and Communists; I want to know whether you would be in the position to say then, as you said before the Lions Club, "I knew for many years" or "I had formed a conclusion in my mind that they were members of the Communist Party"?

Mr. CARTER. That would depend on who they were. In some cases I would probably be able to say that.

Mr. SCHERER. That is what I am driving at. Now you have come to my answer.

Now, can you answer my question: Do you know as of today any individuals in your union or any place else who, in your opinion, are members of the party?

Remember, I am not asking you who they are.

(At this point Mr. Carter conferred with Messrs. Cranefield and Rauh.)

Mr. CARTER. I am not going to go beyond the legal or probative evidence that I do not have

I have stated that, and I certainly don't want to get in the position of having my opinion smear anyone.

If I had legal or probative evidence, I would offer it.

Mr. SCHERER. I am not asking you—I have been very careful not to ask you—the names of any individuals.

I just wondered whether there were other individuals that you know of—

Mr. CARTER. I thought I answered that.

Mr. SCHERER. About whom you had the same opinion as you did about the 27.

Mr. CARTER. I don't know. Maybe I am a little dense here, but Congressman, I thought I answered that question when I told you there were certain people still within our union who, if they sought office, I would apply the provisions of the Constitution.

I think that answers it.

Mr. SCHERER. All right.

Would you give those names to our investigator?

Mr. CARTER. Not without legal or probative evidence; no, sir.

Mr. SCHERER. You wouldn't tell us about those individuals? You would have to have some evidence to stop them from being elected to positions of an officer position of the union, wouldn't you?

Mr. CARTER. Congressman, I want to say this: The evidence which I would give in a trial in our union would be brought out in the privacy of the union, and would not bring a fellow under suspicion until he has been proven, and the type of trial we give, Congressman, allows cross-examination, allows appeal from the verdict of the trial committee, and censure, so that if they come through one of our trial committees, if they are guilty when they reached the final step, you can rest assured they are guilty.

Mr. SCHERER. But you wouldn't give that information to either the Federal Bureau of Investigation or to an investigator of our committee?

Mr. CARTER. It is my understanding, Congressman, the FBI and your committee is also interested in conclusive evidence, legal and probative evidence.

I don't have any and I wouldn't give any unless I had legal and probative evidence.

Mr. SCHERER. I think I understand.

That is all.

Mr. CLARDY. May I ask a question?

Mr. VELDE. Mr. Clardy.

Mr. CLARDY. One or two, Mr. Carter.

Are you satisfied now that the evidence the committee produced with respect to the 27 colonizers was solid evidence that had probative value, enough to convince you that they are and were members of the Communist Party?

Mr. CARTER. Probably, Congressman, you would have to ask my attorneys that. I am not an attorney, and I am not sure.

Mr. CLARDY. I am asking you whether or not, after the committee finished its work of identifying these 27 people, through the months of several witnesses each time that was sufficient to convince you that those 27, each and every one of them were members of the party or whether you still take the position that they are not and that the evidence we have produced isn't worth while.

Mr. CARTER. I want a little time to talk to counsel on this.

(At this point Mr. Carter conferred with Messrs. Cranefield and Ranb.)

Mr. CARTER. Congressman, as I said, I heard, followed some of the hearings. I didn't hear them all. I haven't read the transcript. Several times I turned my radio on and listened to the hearings and became a little disgusted and turned it off.

In the first place, I am not an attorney; I am not a judge, able to pass sentence, and I don't think you have to ask me to pass sentence.

I don't think I am the judge or jury, either one, in this case. I am just one of the public as far as this case is concerned, and I, not being an attorney and not having read the transcript, I cannot say.

Mr. MOULDER. In fact, it has been a position of this committee—it is not mine—not to make any conclusion of a hearing or finding anyone guilty or not guilty.

Mr. VELDE. That has been the attitude of all members of the committee, finding anybody guilty or not guilty.

Mr. CARTER. Congressman, isn't it true all 17 or all 27 were not questioned?

Mr. CLARDY. Is it what?

Mr. CARTER. Is it true all 27 were not questioned at that time?

Mr. CLARDY. It is true that all of them were identified.

All of them have been given an opportunity to be heard. We invite all of them.

But I am asking you now a question of reduced area: As to those on whom you did hear the testimony, are you still unconvinced that they are not—

Mr. CARTER. The people whose testimony I heard used the fifth amendment, and therefore it is rather hard to conclude.

Mr. CLARDY. I see. On those you concluded they might not be Communists; is that right?

(At this point Mr. Carter conferred with Messrs. Cranefield and Rauh.)

Mr. MOULDER. Mr. Chairman, I want to make this comment: I think it is very unfair to bring a witness before the committee and argue with him whether he believes the work of the committee has certain merit or weight in proving the guilt or innocence of any individual or individuals.

Mr. CLARDY. You misapprehend.

Mr. MOULDER. I don't think it is fair to argue with the witness along that line.

Mr. CLARDY. I am through; but what I was trying to get at is that he made the flat public statement that he knew these people were Communists before we came on the scene.

Now he doesn't know after the testimony was produced.

I am satisfied.

Mr. VELDE. Is there anything more, Mr. Counsel?

Mr. TAVENNER. No, Mr. Chairman.

Mr. VELDE. If not, the witness is excused.

I have been advised by the building superintendent this noise will go on for the next 2 days. So we will now adjourn to the Armed Services Committee room.

(Whereupon, at 10:58 a. m., a 7-minute recess was taken.)

(The committee reconvened in room 313, Old House Office Building, at 11:05 a. m., the following committee members being present: Representative Harold H. Velde (chairman), Kit Clardy, Gordon H. Scherer and Francis E. Walter.)

Mr. VELDE. The committee will be in order.

Due to the fact that I have an important appointment, I am going to have to leave. So, I now appoint a subcommittee consisting of Mr. Clardy as the chairman, Mr. Scherer, Mr. Walter and Mr. Moulder.

(Representative Harold H. Velde left the hearing room at this point.)

Mr. CLARDY (presiding). Are you ready, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. CLARDY. Call your first witness.

Mr. TAVENNER. Mr. James M. Coleman, will you come forward, please?

Mr. CLARDY. Will you stand?

Raise your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. COLEMAN. I do.

Mr. CLARDY. Be seated.

TESTIMONY OF JAMES ANDREW LEWIS COLEMAN

Mr. TAVENNER. What is your name, please, sir?

Mr. COLEMAN. My name is James Coleman.

Mr. TAVENNER. Do you have a middle initial?

Mr. COLEMAN. A. Andrew.

Mr. TAVENNER. Do you have another middle name in addition to James A.?

Mr. COLEMAN. That is the only one I use.

Mr. TAVENNER. What is the middle name?

Mr. COLEMAN. Lewis.

Mr. TAVENNER. James Andrew Lewis Coleman.

It is noted you are not accompanied by counsel.

It is the practice of the committee to advise every witness they are entitled to have counsel with them, if they so desire, and they have a right to confer with counsel should they desire.

Mr. COLEMAN. Well, on the question of counsel, I know it is the fashion of this committee to say that they encourage or that they allow counsel; but the fact of the matter is that the lawyers and counsel that are generally available for any kind of crime are very reluctant to represent the witnesses because of the intimidation that they feel this committee brings about.

Mr. CLARDY. Now, just let me correct you on that. There are many able lawyers, including two who appeared with the witness who appeared first this morning.

There are other able lawyers in this room who have appeared repeatedly representing witnesses who have appeared before us.

I cannot let that go unchallenged.

Mr. COLEMAN. I can back the statement up.

Mr. CLARDY. That is all.

Proceed, Mr. Tavenner.

Mr. COLEMAN. I would like to request that no pictures be taken.

Mr. CLARDY. The witness will not—

Mr. COLEMAN. This is a request—

Mr. CLARDY. Make any more statements, please.

Mr. COLEMAN. I would like to request—

Mr. CLARDY. Never mind.

Mr. WALTER. Wait a minute.

Don't talk to him. Talk to me.

What is it you want?

Mr. COLEMAN. I want to request that no pictures be taken. I understand I have that right.

Mr. WALTER. That is the rule of this committee.

Mr. TAVENNER. Mr. Coleman, when and where were you born?

Mr. COLEMAN. I was born in Philadelphia, November 5, 1924.

Mr. TAVENNER. Where do you now reside?

Mr. COLEMAN. I reside in Flint, Mich.

Mr. TAVENNER. How long have you lived in Flint?

Mr. COLEMAN. In answering that question, I understand, from the purposes stated by you of the investigation of this committee, that my loyalty is in question just because of the fact that I live in Flint, and that because my living in Flint has not been a permanent thing, that I came there at a certain time, at which your committee is attempting to establish a colonization took place, and because of that basic approach that this committee has had and stated, I see more to that question than just—I see the answer to that question being more than just stating how long or where I lived at in Flint.

So, I would like to give my reasons for objecting to that question, and——

Mr. WALTER. Now, do you refuse to answer the question?

Mr. COLEMAN. Well, the point is——

Mr. WALTER. Do you refuse to answer the question?

Don't you understand English?

Mr. COLEMAN. I understand English perfectly.

Mr. WALTER. Do you refuse to answer the question of how long you lived in Flint? Answer "Yes" or "No."

Mr. COLEMAN. I can't answer "Yes" or "No."

Mr. CLARDY. Yes; you can, and I direct that you do so.

Mr. COLEMAN. You direct that I answer "Yes" or "No"?

Mr. CLARDY. Yes.

Mr. WALTER. How long have you lived in Flint?

Mr. COLEMAN. What do you want me to answer, "Yes" or "No"?

I will answer what you direct me to answer.

What do you want me to say?

Mr. CLARDY. You are asked to answer "Yes" or "No" to the question propounded by Mr. Walter.

Mr. COLEMAN. Yes. What do you want me to say?

What do you want to know?

Mr. WALTER. How long have you lived in Flint?

Mr. COLEMAN. I would like to give my answer to that question, but I can only give it in the way I understand the question to be——

Mr. WALTER. Have you lived there 5 years?

Mr. COLEMAN. Mr. Congressman, with all due respect, I would like to point out the question——

Mr. WALTER. Have you lived there 5 years?

Mr. COLEMAN. Is not a simple one. I don't understand it being a simple question.

Mr. WALTER. Have you lived in Flint 5 years?

Mr. COLEMAN. I'd like to go——

Mr. WALTER. Have you lived in Flint 5 years?

This isn't funny.

Mr. COLEMAN. I don't look at it funny.

Mr. WALTER. It may be to you, but it isn't to me.

Mr. COLEMAN. I don't regard it as being funny. The question——

Mr. WALTER. Quit laughing then.

Have you lived in Flint 5 years?

Mr. COLEMAN. I don't know whether I have lived in Flint 5 years or not, exactly.

Mr. WALTER. Have you lived in Flint 6 years?

Mr. COLEMAN. But I——

Mr. WALTER. Have you lived in Flint 6 years?

Mr. COLEMAN. May I answer the question?

Mr. WALTER. Yes; answer it. Say "yes" or "no"—"Yes; I have lived there 6 years" or "No; I haven't."

Mr. COLEMAN. Well, I would like to use the fifth amendment on part of that question.

Mr. WALTER. All right.

Mr. COLEMAN. And on the other part of the question——

Mr. WALTER. In other words, you refuse to answer the question on the ground that the answer might incriminate you; is that it?

Mr. COLEMAN. That is a part of my answer.

Mr. WALTER. Is that the answer?

Mr. COLEMAN. That is part of my answer.

Mr. WALTER. All right. Then let's go to something different now. Have you lived in Flint 8 years?

Mr. COLEMAN. Well, a part of the answer to that question is that I claim the protection of the fifth amendment in not answering a part of that question.

Mr. WALTER. Mr. Chairman, I request that the witness be directed to answer the question.

Mr. CLARDY. Yes. The Chair directs that you answer the question last propounded.

Mr. COLEMAN. What is the question?

Mr. CLARDY. You were asked as to whether you had lived in Flint 8 years. You are directed to answer that.

Mr. COLEMAN. Mr. Chairman, I answered the question.

Mr. CLARDY. You have not.

Mr. COLEMAN. And I will answer it again.

Mr. CLARDY. And you are directed to answer.

Mr. COLEMAN. Part of that question, as I understand it, I refuse to answer on the basis of the fifth amendment.

Mr. CLARDY. What part?

Mr. COLEMAN. The part that tends to incriminate me.

Mr. CLARDY. Which part tends to do that?

Mr. COLEMAN. The part that tends to incriminate me is the part of associating me with a group that has come to Flint to colonize and to cast upon my reputation that I am a subverter of the United States or that I advocate the violent overthrow of the Government.

Mr. CLARDY. Now, we haven't reached that point. We haven't asked you any of those questions.

Mr. COLEMAN. That is the question—the way I understand it.

Mr. CLARDY. I will ask you now: Were you associated with any such group?

Mr. COLEMAN. What group?

Mr. CLARDY. The group you just described.

Mr. COLEMAN. Now, is the other question over?

Is this another question?

I have lost you.

Mr. CLARDY. You understand. You have a good education.

Mr. COLEMAN. Do I?

Mr. CLARDY. Now, suppose you tell us——

Mr. COLEMAN. Well, I am asking for this question. What exactly is the question?

Have I answered the question before to your satisfaction?

Mr. CLARDY. You described a group which you said the answer to the previous question might associate you with, and my question is: Were you associated with that group?

Mr. COLEMAN. Well, I would like to answer that in fullness, if I may.

Mr. CLARDY. Will you answer it "yes" or "no"?

Mr. COLEMAN. If you direct me to answer it "yes" or "no" I will——

Mr. CLARDY. Will you please subside until I finish?

Let's have a little order here.

Will you answer the question either "yes" or "no," or do you intend to invoke the fifth amendment?

You have the right to do so, and we will accord you the privilege if you want to do so; but we are not going to waste all day on you having you make speeches.

If you want to raise the fifth amendment, say so.

Mr. COLEMAN. Well, I don't intend to answer the question "yes" and I don't intend to answer it "no."

And I don't mean to use the fifth amendment to cover the entirety of the question, as I understand it, because part of the question, as I understand it, I would like to answer.

Mr. WALTER. What part of the 8 years didn't you live in Flint?

Mr. COLEMAN. What did you say?

Mr. CLARDY. You heard the question.

Mr. COLEMAN. I heard the question, but I didn't get it completely. What did you say?

Mr. WALTER. It is just about as sensible—go ahead.

Mr. CLARDY. I will get at it a little differently, and we will start this all over again.

On what date did you come to Flint?

Mr. COLEMAN. Well, if I may be allowed, I would like to answer the question fully. If I can't—if you won't permit me—to answer the question fully, then I would like to answer part of it by saying that I claim my rights under the fifth amendment not to answer a part of that question.

Mr. CLARDY. Now, I have asked you a simple question as to the date when you came to Flint.

Mr. COLEMAN. And I answered that.

Mr. CLARDY. I am directing you to answer that specific question by telling us the date or telling us you refuse to answer and stating the grounds for your refusal.

Mr. COLEMAN. If I may state the grounds of my refusal to answer, and may answer fully, I would be glad to do so.

Mr. CLARDY. We will not permit you to make a speech.

Mr. COLEMAN. It is not a question of a speech.

Mr. CLARDY. Let's get at it this way: Do you intend to raise the fifth amendment in refusing to answer that question?

Mr. COLEMAN. I don't want you to understand—I don't want the public to understand—I use the whole of the fifth amendment for that question because I——

Mr. WALTER. Mr. Chairman, may I ask a question?

Mr. CLARDY. You may.

Mr. WALTER. On what date did you move to Flint, Mich.?

Mr. COLEMAN. Mr. Congressman, as that question seems to me to be of the same nature of the other questions that have been raised by this committee and by the counsel, the nature, namely, of associating me with the idea—with a group or as a subverter of the United States Government—

Mr. CLARDY. You are directed to answer the question propounded by Congressman Walter.

Mr. COLEMAN. And my answer to the question, since I am directed, will have to be, since you won't allow me to give my answer in full—I will have to be to claim my rights under the fifth amendment not to incriminate myself.

That is the only way I can answer that question.

Mr. MOULDER. Mr. Chairman, may I ask a question?

Mr. CLARDY. You may.

Mr. MOULDER. Where did you reside before you went to Flint?

Mr. COLEMAN. I resided in a number of different places before I went to Flint.

Mr. MOULDER. The place you resided immediately before going to Flint; where did you reside?

Mr. COLEMAN. Mr. Congressman, that, too, as I understand, has been used as a way of associating me with a colonization movement because—

Mr. CLARDY. You are directed to answer the last question.

Mr. COLEMAN. They claim all the colonizers come from the East and certain parts of the East, and—

Mr. CLARDY. Witness, did you hear me?

You are directed to answer that question.

Now, I should warn you at this juncture that, in the opinion of the Chair, at least, the invocation of the fifth amendment in refusing to tell us where you lived before you went to Flint or telling us the date you went to Flint is improper and you are, in my humble judgment, endangering yourself in refusing to do it on that ground; and, so, I am directing you, with that warning, to answer that last question.

Mr. COLEMAN. My answer—if I am using the fifth amendment incorrectly, it's—I'm sorry that I will be under your—

Mr. CLARDY. You may be sorry.

Mr. COLEMAN. That I may be at your mercy.

Mr. CLARDY. Not at ours.

Mr. COLEMAN. But, nevertheless, as I understand the question, I see it being more than a simple question; and you, as an attorney, having been an attorney before, know that questions that are apparently simple have complicated meanings and I will answer the question if you want me to, but—

Mr. MOULDER. Mr. Chairman.

Mr. CLARDY. Just a moment.

Let's see if he is going to answer the question.

Mr. COLEMAN. I don't—when I say these things I don't want to waive my rights, any of my rights, under the Constitution, and especially since the fifth amendment is important I would want to claim that right at all times.

Mr. WALTER. May I start from a different angle?

Mr. CLARDY. May I be sure he is refusing? You are refusing to answer on many grounds, including the fifth amendment?

Mr. COLEMAN. I am not refusing to answer all of the questions I understand, because I want to, as I say, answer part of the questions as I understand that question to be.

Mr. WALTER. Where were you born?

Mr. COLEMAN. As I stated, I was born in Philadelphia.

Mr. WALTER. When?

Mr. COLEMAN. November 5, 1924.

Mr. WALTER. When did you leave Philadelphia?

Mr. COLEMAN. 1924.

Mr. WALTER. When did you leave Philadelphia?

Mr. COLEMAN. I went in service in 1942, I believe, and I stayed there for quite a while.

Mr. WALTER. And after you left the service you went back to Philadelphia?

Mr. COLEMAN. I did.

Mr. WALTER. When was that?

Mr. COLEMAN. I don't see any harm in that question. I will answer that question, but I would like to say there are more answers you can give than just the fifth amendment.

Mr. WALTER. Answer the question.

Mr. COLEMAN. I protest.

Mr. WALTER. No; you can't protest anything, because if it were legitimate, I would be the last person in the world foreclosing a person from answering anything.

Mr. COLEMAN. May I answer that question?

Mr. WALTER. All right; answer it.

Mr. COLEMAN. What is the question?

Mr. CLARDY. You are directed to answer the question.

Mr. WALTER. Aren't you paying any attention?

Mr. COLEMAN. I am, but I also have to think about a lot of other things, too.

Mr. WALTER. When did you leave the service?

Mr. COLEMAN. Forty-six, I believe.

Mr. WALTER. And did you go back to Philadelphia when you left the service?

Mr. COLEMAN. I did.

Mr. WALTER. How long did you remain in Philadelphia?

Mr. COLEMAN. I remained in Philadelphia—I don't know; about a year, I guess.

Mr. WALTER. Then did you go to Flint?

Mr. COLEMAN. I would like—that is the same question that I answered before.

Mr. WALTER. Did you go to Flint after you left Philadelphia?

Mr. COLEMAN. I would rather answer the question fully. If not, I would like to claim the fifth amendment to the part of the question I understand—

Mr. WALTER. Then, as I understand it, you take the position that anybody who left Philadelphia is a colonizer for the Communists; is that it?

Mr. COLEMAN. I am not taking that position. I don't know what—the position that I understand this committee is taking is to prove that there is a certain link of actions that have taken place in the past some—I don't know what years, but have led to the Communist

Party sending me and others to Flint, Mich., to overthrow the Government.

Mr. SCHIERER. Well, did the Communist Party send you to Flint, Mich.?

Mr. COLEMAN. If I answered that question, it would have to be in its entirety, and I would have to claim the fifth amendment on all of these questions that have been asked me so far.

Mr. WALTER. You decline to answer the question of whether or not the Communist Party sent you to Flint, Mich., because to answer that question might tend to incriminate you; is that your answer?

Mr. COLEMAN. Like all the other questions.

Mr. WALTER. Is that your answer to this last one?

Mr. COLEMAN. The answer is that, in order to answer it fully—you won't allow me to answer it fully and, since I can't, I claim the fifth amendment to part of the question.

Mr. SCHIERER. Mr. Chairman, I think Mr. Walter has a good suggestion. I think we should let him answer that question fully.

Mr. CLARDY. I see you have a written statement in front of you.

Mr. COLEMAN. It isn't as long as it looks, but I would like to—

Mr. CLARDY. It is longer than it should be, but I will see how our patience—

Mr. WALTER. Has this statement anything to do with the question you refuse to answer; namely, whether the Communist Party sent you to Flint, Mich.?

Is that in that statement?

Mr. COLEMAN. That's true.

Mr. WALTER. Where?

Mr. COLEMAN. Well, it isn't any one word.

Mr. CLARDY. How many pages long is that?

Mr. COLEMAN. Oh, let's see—big print—it's only 4 pages.

Mr. CLARDY. The Chair will permit you to give the answer. We will see how germane it is.

Mr. WALTER. Is that responsive to this question now, the question you refuse to answer?

Mr. COLEMAN. Yes; it is.

Mr. CLARDY. We will see.

Let's hear it.

You can read it rapidly because the reporter can copy it. Read it rapidly and hand it to the reporter so that he may get the correct reading in the record.

Mr. COLEMAN. Where is the reporter at?

Mr. SCHIERER. Before you read it, did you write the statement yourself?

Mr. COLEMAN. I wrote the statement myself because, as I said, I didn't have any attorney, because this committee, rather, as Clardy said—the committee allows an attorney—

Mr. WALTER. That is not fair. Clardy, Mr. Clardy or Congressman Clardy didn't say that.

Mr. COLEMAN. It is not as simple.

Mr. WALTER. You know full well that every witness appearing before this committee has been accorded the privilege—

Mr. COLEMAN. I had to go to five attorneys before I got one attorney, and then when I got him he wanted \$5,000.

Mr. WALTER. Maybe they didn't want to be seen with you.

Mr. COLEMAN. That is what I say. This committee has brought this situation about.

Mr. WALTER. All right; go ahead and read your statement.

Mr. COLEMAN. In answering that question, my loyalty to my country is being questioned, merely being called before this committee, because one is deemed guilty until proven innocent.

I want to answer all questions with clarity, simplicity, and without fear. However, I must guard against being baited and trapped by legal hair-splitting and being smeared as an enemy of my country. I must try to answer in such a way as to insure that you and the public get the correct understanding from my replies.

I think that by calling me before this committee and thereby attaching to my reputation, by reference and innuendo that I am a threat to America, that my actions are of a subversive nature, is in itself an act of anti-Negro discrimination. I think it represents malfeasance of office to thereby persecute me as a subversive American.

Mr. WALTER. Mr. Chairman, I would interrupt.

I move that be stricken from the record.

I am sick and tired of sitting here and listening to that sort of thing.

Mr. COLEMAN. I am not just stating it. I have something to support my statement.

Mr. WALTER. Anti-Negro—

Mr. COLEMAN. It is definitely anti-Negro.

Mr. WALTER. That is a vicious falsehood.

Mr. COLEMAN. Well, the murderers, for example, of Harry Moore, in Florida, have not been called or investigated by this committee, and his wife and his whole family were not only murdered, but they were intimidated.

Mr. CLARDY. You better get back to reading your statement if you want to have the privilege.

Mr. COLEMAN. All right.

Mr. WALTER. It is typical of the old pro. That is it. It is just the old pro statement.

Mr. COLEMAN. The imprisonment—this is a substantiation of the fact—the imprisonment of a Negro mother, Mrs. Rosalie Ingram, in Georgia, goes uncontested by you while daily civil rights of my Negro brothers and sisters all over our country are overtly denied to them.

Mr. CLARDY. Let me interrupt you just a moment.

Did you copy out of the Daily Worker? I have found it in the Daily Worker.

Mr. COLEMAN. If it is in the Daily Worker—

Mr. CLARDY. Will you please subside until I finish asking the question?

I have read that same tripe in the Daily Worker.

Mr. COLEMAN. It is not tripe.

Mr. CLARDY. Did you copy it from the Daily Worker?

Mr. COLEMAN. It is not tripe. It is all fact and I have to live under this situation.

Mr. CLARDY. Proceed.

I am going to let you finish.

Mr. COLEMAN. Has this committee ever, or will it ever, summon before it this character, Bowls, in Maryland, who is a rabid and fanatical and open anti-Negro and Fascist?

Will you subpoena any one of the southern officials who openly defy the recent Supreme Court edicts on integration in public schools?

The answer plainly is that you haven't bothered them, and you won't bother them, yet you question my loyalty, which is obviously and without a doubt more true than theirs.

I think this is a gross act of anti-Negro discrimination.

My allegiance to America is not only of the truest but is also the highest type.

Mr. SCHERER. All right, now. I think I have the floor. I asked the question.

I can't see that anything you have read so far comes anywhere near answering my question, and the question is: Did the Communist Party send you to Flint?

Now, that is the question. You are talking about your loyalty to your country and your loyalty being attacked and impugned.

Mr. COLEMAN. That is what the question is. My loyalty—

Mr. SCHERER. We can see right now whether your loyalty is being impugned by the way you answer my question.

Now, will you answer the question?

Then you can make any explanation you want.

Mr. COLEMAN. I am in the process of answering your question. You haven't let me complete—

Mr. SCHERER. Will you answer the question?

Mr. COLEMAN. I haven't answered the question yet.

Mr. SCHERER. I think his position is that he has refused to answer, and he is clearly in contempt.

Mr. COLEMAN. If I haven't answered the question fully, then I will have to claim the fifth amendment on the rest of what I would like—

Mr. SCHERER. I thought you would claim the fifth amendment to that question.

Isn't it a fact the Communist Party sent you to Flint, Mich., for the purpose of colonizing in the automotive industry?

Isn't that a fact?

Mr. COLEMAN. The only way I can answer that question fully and in circumstances you won't allow me—I will have to use the fifth amendment.

Mr. SCHERER. All right.

Mr. WALTER. What type of work did you do before that?

Mr. COLEMAN. I went to grade school, high school.

Mr. WALTER. Work. Work, I said.

Mr. COLEMAN. I went to the Army when I got out of school.

Mr. WALTER. You ever did any work at all before you went to Flint to affix yourself on the honest, hard-working American laborers?

Mr. COLEMAN. I am a World War veteran. I am an American, four generations back or more.

Mr. WALTER. Did you ever work anywhere in your life outside of the Communist Party?

Mr. COLEMAN. My answer to that question, like the other two questions you have asked me and not allowed me to complete an answer—

Mr. WALTER. Well, what type of work have you ever done?

Mr. COLEMAN. I was a soldier in the Army, and the only thing they would allow me to do was work, wash windows, and scrub floors, and make up the officers' beds, and make ball fields for the white soldiers that I couldn't play on myself, right here in the United States. That is the type of work I have done.

Mr. WALTER. That is the type of work you have done, and because of the experience you gained——

Mr. COLEMAN. And nothing was investigated there.

Mr. WALTER. From building baseball fields for white ballplayers——

Mr. COLEMAN. And I wasn't allowed to play on it. Add that, too.

Mr. WALTER. You went to Flint and became a leader in a labor union: is that it?

Mr. COLEMAN. That is what you are saying. I am not saying that.

Mr. WALTER. Well, is that the truth?

Mr. COLEMAN. My answer to that question is like the answer to the other question, that unless I can answer the questions fully I will have to use the fifth amendment.

Mr. SCHERER. Were you a member of the Communist Party while you were in the Army?

Mr. COLEMAN. Like the answer to that question, like the other questions——

Mr. SCHERER. The fact is you were a Communist before you went into the Army?

Mr. COLEMAN. You want to say I was a Communist, born; is that it?

If you want to say that, you have that privilege.

Mr. SCHERER. I am not saying that. I am asking you: Isn't it a fact you were a member of the Communist Party before you went into the Army and that your experience in the Army had nothing to do with you becoming a member of the Communist Party?

Mr. COLEMAN. Do you have that as a fact?

Mr. SCHERER. I am asking you.

Mr. COLEMAN. Oh, you are asking me that.

Mr. SCHERER. Isn't that a fact?

Mr. COLEMAN. I thought it was a rhetorical question, the way you presented it.

Mr. CLARDY. Answer the question, Witness.

Mr. COLEMAN. But actually, I wouldn't want to answer that question unless I can answer it fully; and since I can't, I will use the fifth amendment.

Mr. CLARDY. What are you doing in the way of work at the present time? I don't mean while you are sitting here on the stand, but before you came to Washington for this hearing.

Mr. COLEMAN. That question, like the other questions, Mr. Clardy, if I am not allowed to answer fully, I cannot give a simple answer to, because those questions are all links, and the only way you will allow me to answer is by using the fifth amendment.

Mr. CLARDY. Now, Witness, you are directed to answer that.

Mr. COLEMAN. And I use the fifth amendment.

Mr. CLARDY. You are directed to answer that question, because all I want to know is whether you are working or——

Mr. COLEMAN. You want to know whether there is a linkage——

Mr. CLARDY. Witness, will you subside, please?

You have been impudent enough, and your very conduct——

Mr. COLEMAN. You are asking——

Mr. CLARDY. Will you please keep quiet?

Listen carefully. I am going to ask you a series of very simple, understandable questions.

Are you working in an auto plant——

Mr. COLEMAN. I answered the question.

Mr. CLARDY. At Flint at the present time?

Mr. COLEMAN. I answered the question. I said that if I am not allowed to answer these questions, that question, then I certainly can't give the answer, as I understand it, by simply saying "Yes," "No," or any one word, fifth amendment alone; but since I can't give a full answer, I can only claim the fifth amendment.

Mr. CLARDY. You are directed to answer the question I have just propounded.

Mr. COLEMAN. How do you want me to answer it—yes or no? You direct me to answer it? I gave you my answer. I gave it just now.

Mr. CLARDY. Now, as Mr. Scherer has suggested before, and as you undoubtedly know, in directing you to answer, I am telling you to answer it yes, or no, or, if you wish, whether correctly or not, to invoke the fifth amendment, or any other amendments to the Constitution you wish, and then add any reasonable explanation for your raising it.

Now, I am directing you to answer the question as to whether or not you are presently engaged in working in an auto plant in Flint?

Mr. COLEMAN. Excuse me. I didn't get all you were saying there a while ago.

Mr. CLARDY. I will start all over.

Now, listen carefully and do not interrupt me, because if you do I shall be compelled to take some measures to make you subside.

Are you now engaged in working in an auto plant in Flint?

I am directing that you answer that question.

Mr. COLEMAN. You direct me to answer it "Yes" or "No," or are you directing that I use the fifth amendment?

Is that what you are saying?

I mean because if you want me to answer the question fully, I will do so; but if I am not allowed to answer the question fully, I will have to invoke the fifth amendment.

Mr. CLARDY. That question may be answered "Yes" or "No" or you may invoke any section of the Constitution you wish as an excuse for not answering "Yes" or "No." After you have done that, then you may make such explanation as you may desire, but not until you have done so.

Mr. COLEMAN. Well, I can only answer the questions the way I understand the questions, Mr. Clardy, and my understanding of the question is that it is not a simple question. Part of that question I would invoke the fifth amendment on; part of the question I would answer.

Mr. CLARDY. Tell me what part so we may understand.

Mr. COLEMAN. I would invoke the fifth amendment completely now because I know that I won't be allowed to give my full answer to that.

Mr. MOULDER. May I ask you this question: Is it your opinion or your belief that the Communist Party discourages and is opposed to discrimination against the colored race?

Mr. COLEMAN. If I answered the question honestly and gave you—then I would be laying myself open to—anything I say to this committee, almost giving my name, is laying myself open to breach of getting cited for contempt and being jailed.

Mr. WALTER. Did you ever live in Washington?

Mr. COLEMAN. Now, I will answer that question, if you will allow me to—

Mr. WALTER. Did you ever live in Washington, D. C.?

Mr. COLEMAN. I haven't finished answering his question yet.

Mr. SCHERER. Yes; you have.

Mr. WALTER. Did you ever live in Washington, D. C.?

Mr. CLARDY. Why are you taking so long?

Mr. COLEMAN. The reason I am taking so long is that I happen to know that one of the former chairmen of this Un-American Activities Committee, Rankin, has called a school that I once attended a hotbed of communism.

Mr. WALTER. What school was that?

Mr. COLEMAN. That is just the whole thing, see; anything I—

Mr. WALTER. Was it Howard University?

Mr. COLEMAN. I would not answer the question unless I could point out—

Mr. WALTER. Answer this question: Did you ever live in Washington, D. C.?

Mr. CLARDY. You are directed to answer.

Mr. COLEMAN. I have been asked questions, 2 or 3 questions here, now—

Mr. WALTER. Now, I am going to withdraw every question I have asked you and I am going to ask you this one: Did you ever live in Washington, D. C.?

Mr. COLEMAN. Well, I would like to invoke the fifth amendment on that question.

Mr. CLARDY. I direct that you answer that last question.

Mr. COLEMAN. I answered it. I invoked the fifth amendment.

Mr. WALTER. Now, I want to ask you this one simple, little question: What criminal prosecution do you suppose you might be exposed to if you admitted at some time or another you lived in the Nation's Capital?

Mr. COLEMAN. Strange as it may seem, the prosecution that I fear from this committee is being cited for contempt and being jailed on any kind of technical grounds.

Mr. WALTER. You are leading us to the point where we can't do anything else.

Mr. COLEMAN. That is what I feel.

Mr. WALTER. All you have to do is answer these questions.

Mr. COLEMAN. I feel if I had done the committee any kind of crime that I would, personally—I feel I would—I don't believe in crime, and I would go along with this committee in apprehending crime or a criminal, even if I was the criminal; but this committee would put me in jail, not having committed any crime, but simply on a technical, legal basis; and, therefore, I feel it necessary to use any kind of constitutional protection that I have, and that is why I use the fifth amendment on even a question that seems to be simple, but which you, as a Congressman, and you, as a former attorney, and so forth, know—

Mr. CLARDY. What do you mean "former attorney."

I still am attorney.

Witness, you are directed to answer the question as to whether or not you have ever lived in Washington, D. C.

Mr. COLEMAN. Well, could I give a full answer?

Mr. CLARDY. You may decline.

Mr. COLEMAN. May I give a full answer to the question?

Mr. CLARDY. You may decline and state the constitutional grounds if you desire.

Mr. COLEMAN. I think there is more grounds—there's other grounds, too.

Mr. CLARDY. No; there are no grounds other than constitutional grounds.

Mr. SCHIERER. There isn't a constitutional ground for refusing to answer that question.

Mr. CLARDY. No proper one.

Now, do you decline to answer?

Mr. COLEMAN. I decline to answer on the fifth amendment.

Mr. CLARDY. All right.

Mr. COLEMAN. No pictures, fellow.

Mr. WALTER. Mr. Chairman, it is apparent we are wasting a lot of time. Why don't we call another witness?

Mr. CLARDY. Witness, pay attention.

Do you apprehend that a mere residence in Washington, D. C., is of itself a crime?

Mr. COLEMAN. I know that—I don't believe that mere residence is a crime, but I believe that you would try to tie me up in a way to show that my residence was connected with schooling, and being connected with something else, et cetera.

Mr. CLARDY. All right. I will ask you this, then: While you were in Washington, did you commit any crime of any kind which you are apprehensive about, may be revealed and discovered in the course of this examination?

Mr. COLEMAN. Naturally I invoke the fifth amendment on that because I don't know. Maybe I jaywalked or something in Washington.

Mr. CLARDY. All right; proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Coleman, did you leave Howard University in December 1948 in order to study Marxism at the Jefferson School in New York?

Mr. COLEMAN. Mr. Tavenner, in my answer to that question, unless I can give my full statement—since I am not allowed to, I invoke the fifth amendment.

Mr. TAVENNER. By that do you mean that you are not fearful of incrimination, but it is because you can't give a full answer that you decline to answer?

Mr. COLEMAN. I claim my rights, whether I know just how they apply. I claim even the first amendment, even though I don't state the first amendment. I claim all my constitutional rights, and if I don't—any of my replies don't mean that I waive my rights.

Mr. TAVENNER. Did you attend the Jefferson School in New York in 1948 and 1949?

Mr. COLEMAN. I decline to answer under the protection of the fifth amendment.

Mr. TAVENNER. Did you become the social science editor of New Foundation, a student quarterly of the Jefferson School in New York?

Mr. COLEMAN. Fifth amendment. I claim the fifth amendment because I can see.

Mr. CLARDY. Now, Witness, I am going to direct you to answer that because that is a matter——

Mr. COLEMAN. Which question do you mean?

Mr. CLARDY. Hold still. Don't be interrupting. You do that entirely too much.

That is a matter that can be established and is already established by documents that are of public record. So I am directing that you answer the question.

Mr. COLEMAN. Well, if it is already established, why ask——

Mr. CLARDY. Never mind. We are asking you the question. I am directing you to answer.

Mr. COLEMAN. How do you want me to answer that?

Mr. CLARDY. Yes or no.

Mr. COLEMAN. Can I answer it fully?

Mr. CLARDY. Yes. Answer "yes" or "no" or if you think you have a right, you may invoke any section of the constitution you believe applicable.

Mr. SCHERER. May I make a suggestion, Mr. Chairman?

If he does answer "yes" or "no," I suggest we give him all day to answer, or explain his answer.

Mr. CLARDY. Certainly.

Mr. SCHERER. You answer either "yes" or "no" to the question; then I suggest to the chairman that he give you all the time you want to explain your answer.

Mr. CLARDY. And you are given that privilege, sir.

Mr. COLEMAN. If you give me that privilege first, then——

Mr. CLARDY. Give us the answer, but we will not entertain any harangue——

Mr. COLEMAN. It is not any harangue.

Mr. CLARDY. Without an answer.

Mr. COLEMAN. I will have to claim the fifth amendment.

Mr. CLARDY. Very well.

Proceed, Mr. Tavenner.

Mr. TAVENNER. I hand you a photostatic copy of the fall issue of the New Foundation and ask you to look at the back and see whether or not there is a name appearing there under the membership of the staff similar to your name.

Do you see the name of James A. Coleman there?

Mr. COLEMAN. Yes; I see James Coleman there.

Mr. CLARDY. Are you reading it?

Mr. COLEMAN. You mean reading James Coleman?

Mr. CLARDY. Are you reading what is there on the document?

Mr. COLEMAN. I see James Coleman there.

Mr. CLARDY. All right; answer the question.

Mr. TAVENNER. Were you a member of the staff at that time?

Mr. COLEMAN. I would like to invoke the fifth amendment on that.

Mr. WALTER. Do you?

You say, "I would like to." Do you?

Mr. COLEMAN. When I say "I would like to," I mean I do.

Mr. WALTER. Of course, I am perhaps a little bit more careful about my English. There is a vast distinction.

Mr. COLEMAN. Well, I invoke the fifth amendment.

Mr. WALTER. Mr. Chairman, may I suggest, in view of the fact that this witness is apparently possessed of considerable information in the field that we are obliged to inquire into, that maybe this is the person to use to test, for the first time, the immunity statute.

Mr. CLARDY. I quite agree.

Mr. WALTER. And I think we ought to pursue that law to the utmost because I particularly am interested in finding just how far this committee can go and how far it can't go in its responsibility.

Mr. CLARDY. Mr. Tavenner, I think it is the judgment of the subcommittee, and the Chair so instructs, that you forthwith invoke the provisions of the immunity statute that deals with the subject and you start the wheels in motion to bring before the Attorney General and the other appropriate bodies the question of granting immunity so that this witness may answer freely and without fear of prosecution all of the questions we have thus far propounded and all that we will propound hereafter, based upon the information already in the files of the committee or which may come to its attention as the result of further investigation.

Mr. TAVENNER. Very well, sir.

Mr. SCHERER. Mr. Tavenner, I think, Mr. Chairman, did have a number of other questions he wanted to ask.

Mr. CLARDY. Yes; he does, but I think we will, in view of invoking the immunity sections or starting the process, ask Mr. Tavenner to dismiss this witness temporarily and ask him to step aside while the proper steps are taken to invoke the immunity statute.

Mr. COLEMAN. May I ask a question of procedure?

Mr. CLARDY. Now, wait a minute. We are not talking to you.

This is a matter that is of no concern of yours at the moment.

Mr. COLEMAN. Well——

Mr. CLARDY. Just a minute, please. Am I going to have to have you bodily ejected from the room because of your conduct?

If you continue, that is what will happen to you.

Now, Mr. Tavenner, will you excuse the witness temporarily under the provisions set forth and will you arrange to confer with him at a suitable time when we are no longer in session and then to take the other steps that are necessary, and call the next witness?

Mr. TAVENNER. I suggest, Mr. Chairman, that the witness be directed to return to the hearing room at 4 o'clock this afternoon.

Mr. CLARDY. All right.. He is so directed.

Mr. COLEMAN. This room here?

Mr. CLARDY. The witness is excused until 4 o'clock this afternoon. Call your next witness.

Mr. TAVENNER. Mrs. Baumkel.

Mr. CLARDY. Hold up your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. BAUMKEL. I do.

Mr. CLARDY. You may be seated. Will counsel identify himself for the record?

While we know you, I think it will have to be stated so it will be in the record.

Mr. WISTRAND. Bruce Wistrand.

Mr. CLARDY. Thank you.

TESTIMONY OF MOLLY BAUMKEL, ACCOMPANIED BY COUNSEL, BRUCE WISTRAND

Mr. TAVENNER. What is your name, please?

Mrs. BAUMKEL. My name is Molly Baumkel.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mr. TAVENNER. Will you spell your name, please?

Mrs. BAUMKEL. I would like to make a request.

I will spell my name afterward.

I have been here all morning, and as yet I haven't heard the purposes of this committee at this time.

Mr. CLARDY. Well, the purpose of the committee in subpoenaing you will, of course, be developed in the course of the hearing, but you have also been advised unquestionably as to the general nature of the investigations conducted by the committee under the act, and there was a statement made at the opening of the hearing by Chairman Velde that explained it in detail.

So, you had at least three different sources.

The counsel for the committee will ask you questions that make clear the particular application in your case.

Are you making a request with respect to the photographer?

Mrs. BAUMKEL. I haven't heard it. Perhaps I wasn't in the room at the time.

Mr. WALTER. Just pay attention, and you will learn as we go along. It will take but a few minutes.

Mr. CLARDY. I thought you were objecting to the photographer because I could hardly hear you. Your voice is rather low.

Mrs. BAUMKEL. I would appreciate—I don't mind being photographed, but I would appreciate not having pictures taken while I am testifying, because it is annoying.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. Where and when were you born?

Mrs. BAUMKEL. Brooklyn, N. Y., August 25, 1929.

Mr. TAVENNER. Are you married?

Mrs. BAUMKEL. I am.

Mr. TAVENNER. What is your husband's name?

Mrs. BAUMKEL. I would like to confer with counsel.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Well, my husband's name is naturally Mr. Baumkel as I am Mrs. Baumkel.

Mr. TAVENNER. What is his first name?

Mrs. BAUMKEL. His name is Sherwood Baumkel.

Mr. TAVENNER. When were you married?

Mrs. BAUMKEL. I would like to confer with counsel.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I don't—upon advice from counsel, I don't see where that question is pertinent to the subject.

Mr. CLARDY. The Chair directs that you answer the question.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I still don't see where the question is pertinent to the subject.

Mr. CLARDY. Are you refusing to answer the question?

Mrs. BAUMKEL. Yes. I refuse to answer that question.

Mr. CLARDY. On what ground?

Mrs. BAUMKEL. As it is not pertinent to the question at hand.

Mr. CLARDY. Is that the only reason?

Mr. MOULDER. I understood the witness wasn't advised as to what the issues are or the purpose for her being here.

Now you say you feel it is not pertinent.

Mrs. BAUMKEL. I was just handed a statement here, which I understand—

Mr. CLARDY. Did you hear my last question?

Mrs. BAUMKEL. No. I would like to have you repeat that.

Mr. CLARDY. I was asking you whether or not the grounds you just stated are the only grounds on which you refuse to answer.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I feel that the question is not pertinent to this investigation, and I don't feel, just as any other question that is not pertinent to this investigation, that I am obliged to answer that.

Mr. CLARDY. That doesn't answer the question. My question was whether or not that ground which you have already stated was the only ground, and I gather that it is.

Mrs. BAUMKEL. It is.

Mr. CLARDY. You proceed at your own peril, if that is the only reason you are refusing to answer.

Go ahead, Mr. Tavenner.

Mr. TAVENNER. Where were you married? What city or State?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Well, I feel that this question, too, is not pertinent to the investigation, and I also wish to invoke the grounds of the fifth amendment.

Mr. WALTER. I hope you weren't given that advice by the man who apparently represents you, because, after all, it is not good advice.

Mr. CLARDY. And you are directed to answer.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment, and it is not pertinent.

Mr. MOULDER. There is a public record of your marriage?

Mrs. BAUMKEL. Yes.

Mr. WALTER. Maybe that is the reason why she won't answer.

Mr. MOULDER. And that marriage is public, where it is recorded; isn't that so?

Mrs. BAUMKEL. Yes; every marriage has to be recorded, I guess.

Mr. SCHERER. Now, Mr. Tavenner, what does your information show with reference to date and place of marriage?

Mr. TAVENNER. I haven't that information.

Mr. SCHERER. Then I think the question is very pertinent.

Mr. TAVENNER. That is, I have not the information as to the correct date or place of marriage.

Mr. CLARDY. Do I understand, Witness, you are, despite my direction, refusing to answer that question?

Mrs. BAUMKEL. Yes; on the grounds of the fifth amendment, and that that question is not pertinent to the investigation.

Mr. CLARDY. The Chair is obliged to tell you that neither of those grounds, in his opinion at least, is sound.

You invoke those improperly, in my judgment.

Proceed, Mr. Tavenner.

Mr. TAVENNER. What was your name prior to marriage?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. My maiden name was Molly Schiff.

Mr. TAVENNER. Will you spell the name, please?

Mrs. BAUMKEL. The first and second?

Mr. TAVENNER. No; the second.

Mrs. BAUMKEL. Second. S-c-h-i-f-f.

Mr. TAVENNER. Is Molly a nickname or is it your actual name?

Mrs. BAUMKEL. That is my actual name.

Mr. TAVENNER. Will you tell the committee, please, what your educational training has been?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mr. TAVENNER. That is, your formal educational training.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Well, in view of the situation that this committee has claimed that—

Excuse me for one moment.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. In view of the situation that exists, that education has been made a point of by this committee in trying to prove some sort of conspiracy, with people with some sort of educational background, I feel that giving my educational background would tend to incriminate me. Therefore, I will have to invoke the fifth amendment and I feel that this question is not pertinent to this investigation.

Mr. CLARDY. The Chair directs you to answer it.

Mrs. BAUMKEL. I have the same answer for that.

Mr. CLARDY. What did you say?

Mrs. CLARDY. I said I have the same answer for that direction.

Mr. TAVENNER. Where do you now reside?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Well, during the last investigation there were a series of incidents, of violence, perpetrated in Flint, and I have three small children at home, and I do not want to see anything happen to my children or anything that would jeopardize my home.

Mr. TAVENNER. Well, do you live in Flint?

Mrs. BAUMKEL. I live in Flint.

I would be willing to write my address down and hand it to the committee, instead of stating it publicly.

Mr. TAVENNER. You live in Flint?

Mrs. BAUMKEL. Yes; I live in Flint.

Mr. TAVENNER. How long have you lived in Flint?

Mrs. BAUMKEL. I feel that this is another question which, if I were to answer it, that this committee would try to link me up with some

kind of conspiracy which they are trying to prove, so-called conspiracy, which—

Mr. CLARDY. Do you mean to say if you tell us how long you have lived in Flint that in some way would tend to incriminate you?

Mrs. BAUMKEL. Yes, sir. It seems this committee has made a point of asking all the witnesses that have appeared before it during the last hearing and this hearing how long they have lived in Flint, in trying to prove they have lived here a certain length of time and have come here at a certain time, and, therefore, they have assumed, because they have lived here a certain length of time and they have come here at a certain time, they would necessarily be involved in some sort of conspiracy, which—

Mr. SCHERER. Were you a colonizer for the Communist Party at any time?

Mrs. BAUMKEL. I feel—I would be willing to discuss my political opinions, my opinions on various questions, with this committee at any other time—

Mr. SCHERER. I am not asking you about a political opinion. I am just asking you if you were a colonizer for the Communist Party.

Mrs. BAUMKEL. I understand.

Mr. SCHERER. You understand what a colonizer is?

Mrs. BAUMKEL. I understand what this committee is trying to do.

Mr. SCHERER. No. I am not asking you about what the committee is trying to do.

You understand what a colonizer for the Communist Party is?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. You refuse to answer the question as to whether you know what a colonizer is?

Mrs. BAUMKEL. Yes; I refuse to answer that question.

Mr. SCHERER. Were you ever sent by the Communist Party from any place in the United States to Flint for the purpose of obtaining a job in one of the automotive industries there?

Mrs. BAUMKEL. I refuse to answer that question on the ground of the fifth amendment.

Mr. MOULDER. Are you a member of the Communist Party now?

Mrs. BAUMKEL. I refuse to answer on the ground of the fifth amendment.

Mr. CLARDY. Were you ever a member of the Communist Party?

Mrs. BAUMKEL. I have the same answer for that question as the previous answer.

Mr. SCHERER. Where did you go to school?

Mrs. BAUMKEL. I believe the counsel asked me that, or a similar question.

Mr. CLARDY. You believe what?

I can't hear you.

Mr. SCHERER. Whether he asked you or not, I am asking you.

Mrs. BAUMKEL. And I feel there is an attempt being made to link up the fact that people have an educational background with some sort of conspiracy and I feel I cannot answer that question at this time because it might incriminate me, and I invoke the fifth amendment.

Mr. SCHERER. I ask that she be directed to answer that.

Mr. CLARDY. Yes. The Chair so directs.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I still refuse to answer that question because I feel it is not pertinent to this investigation; and on the grounds of the fifth amendment.

Mr. SCHERER. Where were you born, Madam?

Mrs. BAUMKEL. I answered that question. I was born in Brooklyn, N. Y., on August 25, 1929.

Mr. SCHERER. And how long did you live in Brooklyn, N. Y.?

Mrs. BAUMKEL. I refuse to answer that question because I feel it is not pertinent and on the ground of the fifth amendment.

Mr. CLARDY. You are directed to answer that question.

Mrs. BAUMKEL. I still have the same answer. I don't feel it is pertinent and—

Mr. SCHERER. Where did you live other than Brooklyn and Flint?

Mrs. BAUMKEL. Well, again, I feel there is an attempt being made to connect me with some kind of conspiracy and I feel that by answering this question I might incriminate myself and I will have to invoke the fifth amendment.

Mr. SCHERER. I ask that she be directed to answer the question.

Mr. CLARDY. You are directed to answer that question.

Mr. SCHERER. I am sorry to be taking the ball from counsel so many times with my questions. I apologize.

Mr. TAVENNER. That is all right.

Mr. CLARDY. I direct you to answer that question.

Mrs. BAUMKEL. Just a minute. I would like to confer with my counsel if I may.

Mr. CLARDY. You may.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I refuse to answer that question on the ground that it is not pertinent and on the ground of the fifth amendment.

Mr. SCHERER. I ask that she be directed—

Mr. CLARDY. That was the direction.

Witness, you say you are apprehensive that answering the question may be part of an attempt to link you up with some conspiracy.

So, I am going to ask you: Have you ever been part of some sort of conspiracy?

Mrs. BAUMKEL. Well, I wouldn't hesitate to answer that question—

Mr. CLARDY. Well, then don't.

Mrs. BAUMKEL. At any other time, but because if I were to answer this question at this time it would open me up to a whole series of questions and a further attempt of this committee to link me up with some kind of conspiracy which I don't believe exists, and I cannot answer that question.

Mr. CLARDY. You say you would not hesitate to answer it at any other time. Would you hesitate to answer it this afternoon?

Mrs. BAUMKEL. No; I mean another place, some public place, where I would have an opportunity to state my views publicly.

Mr. WALTER. In executive session—suppose we exclude everybody, including your lawyer—would you sit here and tell us frankly what we want to know? If we in addition to all that made you a promise we would not make an attempt to cite you for contempt, would you then sit down and tell us what we would like to know?

Mrs. BAUMKEL. No, I could not discuss at this committee hearing my views on anything, because I feel this committee has one purpose, and that is to have me linked up with some sort of conspiracy, and—

Mr. WALTER. No. That isn't our purpose at all. We are trying to perpetuate what we received so that your three little children will have the same blessings of liberty when they grow up, and we are charged with the responsibility of doing that by the Congress of the United States.

It isn't this committee, I assure you. We don't like what we are doing, but we are compelled to do it by the Congress of the United States, by the people of the United States.

Now, you have said you don't want to discuss these matters in this particular forum.

Why wouldn't you do it in the committee offices?

Mrs. BAUMKEL. I am very concerned about the freedom of my children and that is particularly one of the main reasons I refuse to cooperate in answering these questions. I want to see my kids grow up in a country that is actually free and not hounded by smears and intimidation, where people are afraid to express—

Mr. WALTER. Suppose we would release you from your oath; suppose that you would be permitted to testify not under oath and, instead of having we old men to terrify you, would you give the story to one of our investigators not under oath?

Mrs. BAUMKEL. Sir, I think you are assuming that I have some kind of information that you are looking for.

Mr. WALTER. I am not assuming it. I have been informed that you could aid the Congress of the United States immeasurably in its duty.

I have that information, and I think, as a good American, you would want to help us, or convince us whether or not our information concerning your knowledge is correct.

Mrs. BAUMKEL. Sir, I feel I have been brought here not for any information that this committee is really looking for, but as part of a pattern to instill fear and intimidation and smear people. Then anybody who speaks up on issues of peace, which I am very concerned with, because I have three small children—I don't want to see them growing up in a war-torn world.

Mr. SCHERER. I have two, and I am just as concerned as you.

Mrs. BAUMKEL. And I am concerned about these things, and I feel these committees, and this committee in particular, has played a large part in instilling and putting fear in people's minds and making people speak up on issues they feel very strongly on, and I cannot cooperate with a committee that does things like this.

Mr. CLARDY. Does that include a committee condemnation of the aims of the Communist Party?

Is that one of the things you think we are wrong in condemning?

Mrs. BAUMKEL. Sir, that is an opinion which I would be glad to discuss with you, but it is not a question pertinent to this investigation and I cannot answer that at this time.

Mr. SCHERER. I ask that she be directed to answer the question.

Mr. CLARDY. Are you actually a part of any group dedicated to the overthrow of the Government of the United States through the use of force and violence?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Sir, I am against the forceful overthrow of this Government, and if I should ever find anybody who would commit any act toward the overthrow of this Government, I would be the first one to report that.

I believe in democracy.

Mr. CLARDY. That isn't my question. My question is: Are you a member of a group whose avowed purpose is the overthrow of this Government through the use of force and violence?

You have stated your own personal slant. I am asking you about the group.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. You what?

Mrs. BAUMKEL. I refuse to answer the question on the grounds of the fifth amendment.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. Where did you live immediately prior to your taking up residence in Flim, Mich.?

Mrs. BAUMKEL. I believe I answered that question before, and I said I did not feel the question was pertinent and I invoked the fifth amendment.

Mr. CLARDY. You are directed to answer that question.

Mrs. BAUMKEL. I still maintain the same answer.

Mr. TAVENNER. Did you at any time live in the city of Detroit?

Mrs. BAUMKEL. I believe that this committee again—this question again is trying to link me up with this so-called conspiracy and I cannot answer that because I feel it is not pertinent and I invoke the grounds of the fifth amendment.

Mr. WALTER. I am afraid you are under a misapprehension. We are not trying to link you up with anything.

What we want you to tell us is what you know about the thing you are afraid of being linked up with.

Mr. CLARDY. What is it you are afraid of?

Mrs. BAUMKEL. This morning when you questioned Mr. Carter, there was a statement made that you knew of 27 so-called Communists or conspirators.

Mr. CLARDY. No; we said 27 had been identified.

Mrs. BAUMKEL. Well, I supposedly was 1 of those identified by 1 of your paid informers, and I cannot answer that question.

Mr. CLARDY. Now, Witness, let me question you. We do not have any paid informers, and you know that is the case.

Mrs. BAUMKEL. I understand——

Mr. CLARDY. Who is engaged in smearing tactics, now, if you aren't, when you are saying that?

That is a deliberate attempt, and you know it, and I cannot let it pass unchallenged.

Mr. SCHIERER. You said you were identified, as you put it, by a paid informer. Is this informer's identification of you correct or incorrect?

Was he telling the truth or was he telling a lie when he identified you at the hearings in Michigan?

Now, you have an opportunity to deny it, if you wish.

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. Fifth amendment.

So, the fact is that man you just smeared by calling him a paid informer was telling the truth about you; wasn't he?

Mrs. BAUMKEL. I believe this committee has drawn its opinions already, because—

Mr. SCHERER. Wasn't he telling the truth?

Mrs. BAUMKEL. I cannot answer that question. I will have to invoke the fifth amendment to a question like that.

Mr. SCHERER. Now, you have invoked the fifth amendment to practically all the questions that have been asked of you. Witness, which means that you are afraid if you do answer you may be subject to some prosecution.

Now, Mr. Walter has brought to our attention the fact that the Congress, this Congress, shortly before they adjourned, passed what is known as the immunity law, which gives this committee, with the approval of the Federal court, the right to grant you immunity—in other words, so that you couldn't be prosecuted for answers you might give to any questions we might ask.

I want to ask you this: If this committee should grant you such immunity, would you then answer that question?

Mrs. BAUMKEL. I am sorry, but I could never be an informer, and say things. What I do know and don't know, I could not under any circumstances cooperate with the committee, as I said before, which I feel seeks to smear people for their opinions that they hold.

Mr. SCHERER. Even if this committee would free you from any possible prosecution for any answer you would give, you are still telling us, even if it would do that, you won't answer our questions?

Mrs. BAUMKEL. Sir, I am very concerned about my children.

Mr. SCHERER. I understand that.

(Representative Walter left the hearing at this point.)

Mrs. BAUMKEL. But I could not cooperate in tearing down our Constitution, which I feel this immunity business would do.

Mr. SCHERER. Even if you were free from any prosecution whatsoever, so you couldn't go to jail, would you still refuse to answer the committee's questions?

Mrs. BAUMKEL. That is the opinion—I don't know your name.

Mr. SCHERER. Mr. Scherer.

Mrs. BAUMKEL. That is not my opinion.

Mr. SCHERER. I am saying the law is such that we can, with the approval of the Federal court, grant you immunity, so you couldn't go to jail, so you wouldn't be prosecuted for anything you tell us. Now, my simple question is: If that immunity was granted to you, would you then answer our questions?

Mrs. BAUMKEL. First of all, I don't recognize that immunity law that was passed. I recognize the Bill of Rights and the Constitution.

I still recognize the fifth amendment and I shall uphold it as long as I can breathe.

Mr. SCHERER. You still haven't answered my question?

Mrs. BAUMKEL. I believe that is answering the question that under any circumstances I will still uphold the Constitution of the United States and—

Mr. SCHERER. And you still refuse to answer to this Congress?

Mrs. BAUMKEL. That is correct.

Mr. SCHERER. It is obvious, therefore, Mr. Chairman, the witness has improperly invoked the fifth amendment because she said the only reason she is refusing to answer these questions is because of the fear of incrimination or prosecution, and now she says even if she could be free of such prosecution she would still not cooperate with the committee, and I think she is clearly in contempt.

Mr. CLARDY. She has been from the beginning, but I have got to ask her another question.

Who is this gentleman that you say has identified you as one of the Communists?

Do you know him?

Mrs. BAUMKEL. I believe the chairman knows very well the informers they have used to identify—

Mr. CLARDY. Well, do you know him?

Mrs. BAUMKEL. I refuse to answer that question.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mr. SCHERER. I ask that you direct her to answer the question who it was.

Mr. CLARDY. You are directed to answer that question.

Mrs. BAUMKEL. I don't think I have said anything about a man or a woman. The gentleman said "him." I haven't identified anybody or referred to anybody as a him or her.

Mr. CLARDY. Well, I think you did, but I will get away from the sex and ask you if you know the identity of the person who has named you as one of the Communist colonizers.

Now, you don't have to name him or her. I am merely asking: Do you know that person?

Mrs. BAUMKEL. I wouldn't identify myself with any informer under any circumstances.

Mr. CLARDY. I am not asking you to identify him.

Mrs. BAUMKEL. And I refuse to answer that question.

Mr. SCHERER. I ask that she be directed to answer the question.

Mr. CLARDY. Yes. I direct you to answer that question.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I read in the newspaper and I heard myself identified by the informer who testified.

Mr. CLARDY. Now, do you personally know that individual?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. MOULDER. May I ask you: What is an informer, Mrs. Baumkel?

How do you refer to a person as an informer?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I have my opinions on what an informer is, and I think the gentlemen would have gotten some idea on what I think of an informer.

However, I feel at this time this question is not pertinent, and I cannot answer it at this time.

Mr. MOULDER. You have used that word several times.

Mr. CLARDY. Let me direct her, Mr. Moulder. That is one I think she has opened the door wide open on and she must answer. So, I direct you to answer.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mr. CLARDY. Now you have used that voluntarily and repeatedly, and you are merely being asked to define the term that you used. I am directing you to do so.

Mrs. BAUMKEL. I refuse to answer that question on the ground it is not pertinent and on the ground of the fifth amendment.

Mr. CLARDY. I think you are clearly in contempt of your Congress on making that answer to that question, if on no other, after having repeatedly invoked it.

I will ask you this: By informer do you mean a person who advises his Government as to the identity of Communists in the United States?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Sir, I think there is a standard definition for the word "informer" in Webster's Dictionary or any other dictionary, and I don't think this committee is testing my knowledge on meaning of words, and I don't think it is pertinent to this investigation.

Mr. CLARDY. I asked a specific question which any good, honest, patriotic American citizen ought to be proud to answer, and that is: Do you regard a person as an informer who tells his government about the activities or the identity of someone who may be a member of the Communist Party?

Now, will you answer that question?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mr. MOULDER. Mr. Chairman, I move a recess until 2 o'clock.

Mr. CLARDY. Let's finish this witness within the next 5 minutes.

I agree with you.

Mr. TAVENNER. If I am going to examine her, it will take more than 5 minutes.

Mr. CLARDY. Are you ready to answer?

Mrs. BAUMKEL. I believe the definition of this word, "informer" again can be gotten in any dictionary and I don't think it is pertinent to the investigation.

Mr. CLARDY. I didn't ask you that at all.

Mrs. BAUMKEL. And it is not up to me at all to define—

Mr. CLARDY. I didn't ask you that, and you know I didn't ask you that. I used the word "Communist" and you didn't like it, and you are evading it.

So, we will let the matter pass. It is obvious that anybody who, as far as you are concerned, who at any time lets his government know anything at all about the most gigantic conspiracy on the face of this globe is in your judgment an informer, and I don't like your attitude with respect to it, and I must tell you I think you are in contempt of your Congress and that you are taking a position that is utterly indefensible.

Now do you have any more questions, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. CLARDY. Well, we will proceed to half past, and then we will recess.

Mr. TAVENNER. Am I correct in stating that you are now employed by the AC Spark Plug Division of General Motors?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Yes; that is correct.

Mr. TAVENNER. How long have you been so employed?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I refuse to answer that question because I feel again that question of the length of time, of how long I have worked in a certain place, or how long I have been here or where I came from, and so forth, is again trying to link me up with some sort of conspiracy, and I feel it is not pertinent and I refuse to answer it on the grounds of the fifth amendment.

Mr. CLARDY. You are directed to answer the question.

Mrs. BAUMKEL. I refuse to answer on the same grounds.

Mr. TAVENNER. Did you make application for employment, written application for employment, with AC Spark Plug?

Mrs. BAUMKEL. I refuse to answer that.

Mr. TAVENNER. I hand you a photostatic—

Mr. CLARDY. Just a minute. I direct that she answer that last question.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I refuse to answer that question as I feel it is the same kind of a question in different words of a pattern that this committee has in trying to link me up with some kind of conspiracy.

Mr. TAVENNER. I hand you a photostatic copy of an application for employment.

Will you look at the signature on the second page and state whether or not it is your signature?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. This is your evidence, and this may and it may not be an actual document. I don't know, and I refuse to answer that question.

Mr. CLARDY. I want to direct her to inspect the document in answer to that question, and I tell you now if you refuse to answer that, there can be no question whatsoever as to whether or not you are in contempt of this committee and the Congress.

Look at that document carefully, and then tell us whether or not that is an accurate reproduction of your signature.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Sir, I would like to know if you have the original records, the original copy.

Mr. CLARDY. That is a photostatic copy of the original, and if you will look at it—you were not looking at it before I directed you to answer.

You were looking at me and everyone else except the document and that is why I emphasized the fact I wanted you to look at it.

Now you are looking at it. I assure you it is a photostatic copy.

Now, weigh well your answer.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Sir, I cannot answer that question because, first of all, this is a photostat; second of all, there is an erasure on the line indicated for the signature, and I feel it is not pertinent, and I invoke the fifth amendment.

Mr. CLARDY. Is your name written out on that document, regardless of whether you wrote it or not, as reproduced there?

Is it spelled out correctly?

Mrs. BAUMKEL. Well, I believe the signature on this document speaks for itself.

Mr. CLARDY. Spell it out. Read it, letter by letter.

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Sir, this is your document and——

Mr. CLARDY. Will you read it, please?

I am directing you to do so.

Mrs. BAUMKEL. And as I stated, there is an erasure here. And I don't know whether this is a valid document or not, and I refuse to answer that question.

Mr. CLARDY. You refuse to read your own name on the document in front of you; is that what you are saying?

(At this point, Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I don't know if this is my name or not. I refuse to answer that question. I refuse to recognize the document.

Mr. CLARDY. What is your name?

Mrs. BAUMKEL. I stated my name when I identified myself.

Mr. CLARDY. Tell me now.

Mrs. BAUMKEL. My name is Molly Baumkel.

Mr. CLARDY. Are those the words written on the document?

Mrs. BAUMKEL. Well, sir, this is your document——

Mr. CLARDY. Never mind whose document it is. It is an accurate reproduction, photographically made. Are those the words written at the place calling for a signature?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Could you please repeat your last question?

Mr. CLARDY. You told me your name. I am asking you if the name that you pronounced for me is not the name written out on the document.

Mrs. BAUMKEL. Sir, again I don't know whether this is an actual reproduction——

Mr. CLARDY. I don't care whether it is or not. I am asking you to look at it.

Mrs. BAUMKEL. And since it is not my document, I don't know. It is your evidence, and if you would like to read it, I can't stop you.

Mr. CLARDY. You are refusing to read it at my direction then; is that right?

(At this point, Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. Yes; I cannot answer that question. I cannot answer that question.

Mr. CLARDY. We will stand in recess until 2 o'clock.

(Whereupon, at 12:34 p. m., the hearing was recessed, to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION

(At the hour of 2:19 p. m. of the same day the hearing was resumed, the following committee members being present: Representatives Kit Clardy (presiding), Gordon H. Scherer, and Francis E. Walter. Appearances noted in transcript.)

Mr. CLARDY. The committee will be in session.

Let the record show that the chairman has appointed a subcommittee consisting of Congressman Scherer, Congressman Walter, and myself.

Congressman Walter will be here as soon as the conference he is engaged in will permit him to be present.

Congressman Scherer and myself constituting a majority of the subcommittee, are here and now ready to resume.

Call your witness.

Mr. TAVENNER. Mrs. Baumkel, will you return to the witness stand, please?

Mr. Chairman, I desire to offer in evidence the photostatic copy of the application over the name of Mary Baumkel and ask that it be marked "Baumkel Exhibit No. 1."

Mr. CLARDY. It will be received. Baumkel Exhibit No. 1.¹

TESTIMONY OF MRS. MOLLY BAUMKEL, ACCOMPANIED BY HER COUNSEL, BRUCE WISTRAND—Resumed

Mr. TAVENNER. Mrs. Baumkel, I note with regard to the questions asked on the application regarding education that the grade school was given as 8 years in New York City between 1935 and 1943. Is that a correct statement of your grade-school education?

(At this point Mrs. Baumkel conferred with Mr. Wistrand.)

Mrs. BAUMKEL. I would like to confer with my lawyer.

(At this point Mrs. Baumkel conferred with counsel, Mr. Wistrand.)

(At this point Representative Walter entered the hearing room.)

Mr. TAVENNER. All right, if you will proceed, please.

Mr. CLARDY. Before she answers, may the record show that Congressman Walter has now entered the hearing room, making a full subcommittee?

Mrs. BAUMKEL. Sir, I would like to make a request. I would like to know which party the Congressmen belong to, as I believe there has to be a representative of each party.

Mr. CLARDY. That is actually none of your business, but I don't mind telling you—

Mr. WALTER. I am embarrassed terribly. I thought everybody knew my party.

Mr. CLARDY. He can speak for himself, but he will be the chairman of the entire committee when the 84th Congress is sworn in.

Up to this writing, shall I say, unless he voluntarily relinquishes the post under the rules that pertain, he will be the new chairman; but it is really none of your business.

We have a right to set this up as we please, and I think you are impertinent in suggesting that, and that you were deliberately doing so as part of your calculated campaign of contempt.

Now, will you proceed, Mr. Tavenner?

Mr. TAVENNER. Will you answer the question, please?

Mrs. BAUMKEL. Could you repeat that question again?

Mr. TAVENNER. The application for employment to AC Spark Plug shows under education, grade school, 8 years at New York, 1935-1943.

Is that a correct statement of your grade-school work?

(At this point, Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mrs. BAUMKEL. I refuse to answer that question on the ground of the fifth amendment, that it is not pertinent to the investigation.

Mr. TAVENNER. I ask that the witness be directed to answer.

Mr. CLARDY. Yes; you are directed to answer.

Mrs. BAUMKEL. I refuse for the same reasons.

¹ Retained in the files of the committee.

MR. TAVENNER. The application also shows that you were graduated from high school with 4 years of work at Detroit, 1943-47. Is that a correct statement of the number of years and the place in which you took your high-school training?

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

MRS. BAUMKEL. I have the same answer for that question as the previous question.

MR. CLARDY. You are directed to answer that question.

MRS. BAUMKEL. I refuse to answer the question for the same reasons I stated previously.

MR. CLARDY. Have you consulted with your attorney in refusing to answer these last two questions?

MRS. BAUMKEL. I consulted with my attorney on the question.

MR. CLARDY. I want it to show clearly in the record that you have. I want no possibility of any question being raised of any defense later. Proceed, Mr. Tavenner.

MR. TAVENNER. There is nothing filled in on the form to show that you had any years of college.

Was the absence of such information a correct indication of the absence of college work on your part?

MRS. BAUMKEL. I feel that this is another question intended to link me up with the so-called intellectual college graduates that there were supposed to be in the previous hearings that were formed to colonize the industries.

I refuse to answer that question on the grounds of the fifth amendment.

MR. CLARDY. Just a moment. You are directed to answer that question.

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

MRS. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

MR. CLARDY. Now, there is nothing so-called—you have used that phrase repeatedly—that colonizers were identified by more than one person.

You have talked about so-called intellectuals. Perhaps you are right there. Some of them are parading as intellectuals when they probably aren't.

Proceed, Mr. Tavenner.

MR. TAVENNER. Under the heading of "Record of Previous Employment" there appears the name of Nate's Outlet—N-a-t-e-'s—Fenkell & Linemair, Detroit, 1947-49.

In what type of business was Nate's Outlet engaged?

MRS. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

MR. TAVENNER. As a matter of fact, did you at any time work at Nate's Outlet in Detroit?

MRS. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

MR. TAVENNER. Did you at any time attend school in the city of Detroit?

MRS. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. Are you acquainted with a person by the name of Robert Gould—G-o-u-l-d?

Mrs. BAUMKEL. Sir, I believe I stated previously I do not intend to answer any questions about any associations and thoughts on things I read or do not read to this committee or any other committee.

That is my own private business and I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. Robert Gould was given as the name of one of your references on the application of employment at AC Spark Plug. Do you know him?

Mrs. BAUMKEL. Again I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. You are directed to answer that question.

Mrs. BAUMKEL. I refuse to answer that question for the same reason stated.

Mr. TAVENNER. Another name given on your list of references is Al Millstein—M-i-l-l-s-t-e-i-n—7531 MacKenzie, Detroit.

Were you acquainted with Al Millstein?

Mrs. BAUMKEL. Again I refuse to answer any questions about any persons I may or may not know.

I refuse on the grounds of the fifth amendment.

Mr. CLARDY. You are specifically refusing to answer the question about Millstein?

Mrs. BAUMKEL. That's right.

Mr. CLARDY. Well, I direct you to answer that.

Mrs. BAUMKEL. Well, I again have to refuse for the same reasons stated.

Mr. TAVENNER. Are you acquainted with a person by the name of Mrs. Beatrice Churchill?

Mrs. BAUMKEL. Sir, I refuse to degrade myself by answering a question about that informer. I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. Witness, you have used that term again.

In what sense are you using it in speaking of Beatrice Churchill?

Mrs. BAUMKEL. In the sense that Webster's Dictionary describes it as.

Mr. CLARDY. We don't have Webster's Dictionary in front of us. Suppose you tell us what you mean.

Mrs. BAUMKEL. Well, I understand what I mean, and I believe the committee can find out if they look in the dictionary.

Mr. CLARDY. Well, the committee is entitled to know what you have in mind, because Beatrice Churchill sacrificed a great number of years of her life doing an efficient, effective job for her Government in helping to root out subversives in the nature of Communists and communism, and it appalls me to find that you would have the audacity to sit there and stamp such a person with the adjective you have applied.

Now I want to know just how harsh you are in your judgment of that kind of woman.

What do you mean by informer in her case?

Mrs. BAUMKEL. I refuse to discuss the question. I think it is perfectly clear what I mean by my answer.

Mr. CLARDY. No; it isn't perfectly clear, and you know it isn't clear.

Since you have chosen voluntarily to use it, I direct that you explain your answer and tell us what you mean.

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her attorney.)

Mr. CLARDY. I am getting just a little bit tired of people who are forever prating about this committee smearing someone, and you are engaging in the worst kind of smear that I have ever heard.

Now, I want you to tell us precisely what you mean, because I intend to find out the basis upon which you have smeared her.

Now, suppose you define that term.

Mrs. BAUMKEL. When I speak of an informer, I mean the very commonly accepted meaning of that term.

Mr. CLARDY. What is that?

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mrs. BAUMKEL. I don't think I have to answer that question.

Mr. WALTER. Maybe I can throw a little light on that. You mean by that she told on you regarding something illegal that you did; isn't that what you mean?

Mrs. BAUMKEL. I didn't state that anyone told on me or said anything about me.

Mr. CLARDY. Then you don't know anything about her, do you?

Mrs. BAUMKEL. I refuse to answer any questions about this particular individual.

Mr. CLARDY. You are perfectly willing to lash out with a smear tirade against her, but you are unwilling to answer any questions whatsoever about your knowledge of her or acquaintance with her, or whether or not she knew something that you had done that was of a criminal nature; is that what you mean?

Mrs. BAUMKEL. Sir, I think you are inferring certain things, and you have no right to infer things about me.

Mr. CLARDY. I will tell you what I am not inferring. I am saying directly you have been identified as having been tied up with the Communist conspiracy, and if you mean by an informer that she has informed her Government of your connection with that unlawful conspiracy, then I accept that as the definition, and I am glad she chose to do so.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Was Mrs. Beatrice Churchill employed in AC Spark Plug in the same unit or group that you were employed in?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. Were you a member of the Communist Party cell or group at, within AC Spark Plug?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. Mrs. Churchill, who has been indicated to have been a person who spent a number of years in the Communist Party, testified very fully before this committee in Flint.

She was also one of the witnesses in the Smith Act case in Detroit, at which time William Allan, Nat Ganley, Helen Allison Winter, and others were convicted.

She told the committee of the circumstances under which the Federal Bureau of Investigation had come to her and requested that she

enter the Communist Party in order that it may find out what was being done in the Communist Party and Mrs. Churchill gave us the benefit of her information regarding the use of colonizers by the Communist Party in Flint.

I want to read you a very short paragraph of her testimony:

QUESTION. Will you tell the committee a little more about the practice of utilizing these colonizers?

When they came, did they immediately take up a position or become active in the Communist Party, or how was that worked out?

Mrs. CHURCHILL. Well, of course, when they first came into Flint, they were secured until they got jobs in industrial plants.

QUESTION. What do you mean by "secured"?

Mrs. CHURCHILL. They were not even known to most members in the Communist Party because this is top security, we might say, and they received or they got into the industrial plants, and until they received their seniority a lot of the members didn't know who these people were, and after they received their seniority, then they became active—the first thing, of course, in the unions—and then they joined the various Communist clubs that were attached to the various industries, and from then on, of course, that was what they were supposed to do; but in relation to our local we had one girl that went into activity before she actually knew too much about the local, and the first meeting that she attended she stamped herself as a Communist because she came in and she attacked the union in relation to the Negro people, and I know conditions are not good as far as the Negro people are in probably most of the unions, but I know that we try and I know that these conditions have to be changed, but you don't come in and attack your union on something like that they are trying to correct, that we never do anything, that we don't have Negro-this and Negro officers because we have had Negro officers in our local.

And the next morning, after she came in, or was to this union meeting, one of the committeewomen approached me and said, "I see you have a new fellow traveler, a new member." I said, "What do you mean by that?"

She said, "Who is this Communist that was in the meeting yesterday, this red-headed girl?"

And I said, "I don't know anything about her. I don't know if she is a Communist or not."

I did know, but I wasn't giving her any information. I was a Communist then.

She said, "Well, she is a Communist. We know she is, and we almost threw her out yesterday."

And that was the first meeting she had attended.

Question. Who was the individual?

Mrs. CHURCHILL. I haven't given you their names yet, but it is Gerald and Marilyn Baumkel. I believe it is spelled, B-a-u-m-k-e-l.

Will you tell the committee, please, whether there is any statement in that testimony which I have read to you which is not true?

(At this point, Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mrs. BAUMKEL. I'd like to say this: That I feel very strongly about the whole question of religious and racial discrimination, particularly in regard to the Negro people in this country, and—

Mr. WALTER. You ought to read the testimony of Jackie Robinson before this committee; and if every Negro did, all of these phony professionals would have to look for another job because they wouldn't be living the soft lives they are living now from the earnings of hard working people.

Mrs. BAUMKEL. I don't claim to be any kind of professional on anything. I try to be a very sincere person about the things that I believe in.

Mr. WALTER. I am sure of that.

Mrs. BAUMKEL. And I like to say the things that are on my mind and stand up for the things that I think are right.

I believe that this committee, instead of spending the taxpayers' money in investigating people like myself, who have never done anything wrong, who have never committed any crime, that they would better spend the taxpayers' money in investigating how to rid some of the bad things that exist in this country, such as discrimination against Negro people, discrimination against certain minorities.

Mr. TAVENNER. Do you think communism ought to be investigated?

Mr. CLARDY. Pardon me, Mr. Tavenner. I want to ask her a question.

Mr. SCHERER. No. There is a question before us, which is very important, and that is: Is any part of the testimony of Churchill true?

I ask she be directed to answer.

Mr. CLARDY. That is right. She didn't answer it. I beg your pardon.

Will you answer it?

Mrs. BAUMKEL. Sir, I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. I will ask you this: Are you now or have you ever been a member of the Communist Party?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. I anticipated that. Do you include the Communist Party as one of the organizations you think you have a right to defend?

Mrs. BAUMKEL. I don't think I have to answer that question.

Mr. CLARDY. I suggest you do if I ask you.

Is that within the definition that you just gave us of your freedom and right to defend ideas and persons and organizations?

Mrs. BAUMKEL. I think I am being a little misquoted and misstated.

Mr. CLARDY. Have I misunderstood you?

Mrs. BAUMKEL. Well, I can't say whether you misunderstood me or understood me, but I refuse to answer your question on the grounds of the fifth amendment.

Mr. CLARDY. Let's put it this way—I will withdraw it and put it this way: Are you of the opinion that the things that the Communist Party stands for are good for America?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. I thought so. Proceed, Mr. Tavenner.

Mr. TAVENNER. All right. You pointed out a number of things, or rather you said the committee should be investigating a number of things. Do you think they should investigate communism?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. There was another witness who appeared before the committee, who was asked questions about the practice of bringing in colonizers into industry in the Flint and Detroit areas, and that witness gave us information regarding a number of individuals who had come in under that category, and described some of the devices resorted to by those persons to conceal the true nature of their previous employment and educational training in order that they might be able to hide their identity when they came in.

That witness told the committee that these individuals were instructed to give misleading information to their employers. In the

course of this witness' description of individuals connected with that practice this was said:

There was one husband-and-wife team by the name of Sherwood, alias Jerry, and Marilyn—M-a-r-i-l-y-n—alias Molly Baumkel.

Sherwood, alias Jerry Baumkel, had not been employed as far as my knowledge is concerned, in any industry. I do not know his educational background, but I do not think he completed college.

Sherwood had many opportunities to work in New York near his family, more so than the average Communist. He is a personable-looking young man and could have gone far had he stayed in New York. He brought with him his wife, Molly, who had attended Hunter College in New York. I do not know if she graduated, but I think she did.

Is there any statement regarding that testimony which is untrue?

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mr. SCHERER. Mr. Tavenner, what college was that the witness referred to?

Mr. TAVENNER. Hunter College.

Mrs. BAUMKEL. I will say this: My husband was unfortunate enough when we got married to be one of those unemployed, and like millions of others, he was seeking employment. When we came to Flint, we came—he came to Flint looking for a job, just like many thousands of others who recently came to Flint.

I feel that—excuse me.

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mrs. BAUMKEL. I feel that this question again is intended to tie me up with some kind of conspiracy and I can't answer that question. I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. Of course, if you haven't been tied up with the conspiracy, an honest answer saying that you have not could not possibly incriminate you. I hope you understand that. Perhaps you do not.

Mr. TAVENNER. You stated in reply to my question that "We came from New York," and notwithstanding that, you put in your application that you came there from Detroit and that you had been employed in Detroit from 1947 to 1949, which was untrue according to your present statement; wasn't it?

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. SCHERER. Pardon me just a minute. Which time were you telling the truth; now or when you filed that application?

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mrs. BAUMKEL. I don't believe I have to answer that question.

Mr. CLARDY. Were you telling the truth either time?

Mrs. BAUMKEL. I don't think I have to answer that question either.

Mr. SCHERER. I ask you direct her, Mr. Chairman.

Mr. CLARDY. Yes. I direct her to answer both of those questions.

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. CLARDY. I direct that you answer both his question and mine and you refuse to answer them?

Mrs. BAUMKEL. Yes, and also on the grounds that these questions are not pertinent.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. Didn't you resort to the device of putting misleading information about your prior place of residence and employment on this application in order to deceive your employer so that your real background and experience in New York City could not be checked?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. Your application shows that you were employed for 1 month in 1949 at Uncle Bob's Diner, Harrison Street, Flint.

The month of the beginning of your employment is July and the month of termination is August. You were in Flint during that period, weren't you, August and September 1949?

(At this point Mrs. Baumkel conferred with Mr. Wistrand, her counsel.)

Mrs. BAUMKEL. I refuse to answer that question because the question assumes facts that haven't been proven in that application. I refuse to answer the question.

Mr. TAVENNER. I am asking you to state the fact. Were you in Flint in August and September 1949?

Mrs. BAUMKEL. I refuse to answer that question on the grounds of the fifth amendment.

Mr. TAVENNER. The committee heard considerable evidence in Detroit and in Flint about the holding of a meeting of the Young Communist Group of the Communist Party in September 1949.

The purpose of this meeting of the Young Communist Group of the Communist Party, according to the testimony, was to order that it be disbanded and that the members be sent out into various groups in the community for the purpose of infiltration of those groups.

Some of the persons present were the leaders in the Young Communist Group, the Communist Party, such as Bolza Baxter, and this witness testified regarding that meeting in the following manner:

This question was asked:

Let us go back to this point in the meeting, the Communist Party meeting in September 1949, which you were describing.

That is the meeting at which it was decided to disband the Young Communist Group of the Communist Party and assign individuals to various organizations. Now, the place of that meeting was a farmhouse near Lapeer—L-a-p-e-e-r—which is just outside of Flint, Mich.

And then this question was asked: "Will you tell the committee, please, who was present at this meeting, as far as you can recall?"

Mrs. BAUMKEL. I refuse to answer that question—

Mr. TAVENNER. Wait a minute.

Mrs. BAUMKEL. On the grounds of the fifth amendment.

Mr. TAVENNER. You haven't even waited until I asked the question.

The witness testified that Bolza Baxter, who was assigned to the Labor Youth League as its chairman, was there; Louis Baxter; William Van der Does; Howard Falk—F-a-l-k—; Paul Simon; Jacob Moscow; Marilyn, alias Molly, Baumkel; her husband, Sherwood, or Jerry; Ted Karpez; Jimmie Zrischny—Z-r-i-s-c-h-n-y.

Now, were you present at such a meeting of the Young Communist Group of the Communist Party?

Mrs. BAUMKEL. I want to make it clear—I think I have made it clear—that I will not answer any question about any thought I have in my mind; any associations that I may have or may not have about any particular individual or anything that I read or don't read.

I think that is my own private concern. That's guaranteed me by the Constitution, by the Bill of Rights; and I refuse to answer that question, just as I have every other question of that nature, on the grounds of the fifth amendment.

Mr. TAVENNER. You refuse to state whether you attended that particular Communist Party meeting or not?

Mrs. BAUMKEL. I refuse to answer the question.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Mr. Scherer. Mr. Walter. Witness excused.

We will now take a 5-minute recess.

(Thereupon, at 3:35 p. m., an 11-minute recess was taken, following which there were present: Representatives Kit Clardy (presiding) and Francis E. Walter.)

Mr. CLARDY. The committee will be in session. Call your next witness.

Mr. TAVENNER. Mr. James A. L. Coleman, come back, please.

TESTIMONY OF JAMES A. L. COLEMAN, ACCOMPANIED BY HIS COUNSEL, BRUCE WISTRAND—Resumed

Mr. TAVENNER. You are the same Mr. Coleman who was excused to return at 4 o'clock this afternoon, are you not?

Mr. COLEMAN. Yes, sir.

Mr. TAVENNER. It is noted that you have counsel with you.

Mr. COLEMAN. Yes, sir.

Mr. TAVENNER. Will counsel please identify himself for the record.

Mr. WISTRAND. Bruce Wistrand.

Mr. TAVENNER. Mr. Chairman, I would like to introduce in evidence a photostatic copy of the fall 1949 issue of New Foundations, which was exhibited to the witness before he left the stand.

Mr. CLARDY. It will be marked as "Coleman Exhibit No. 1."¹

Mr. TAVENNER. I now desire to hand to the witness the summer 1949 copy of New Foundations, and ask him to read into the record the footnote appearing at the bottom of the first page.

(At this point Mr. Coleman conferred with Mr. Wistrand.)

Mr. TAVENNER. Will you read it into the record, please?

Mr. COLEMAN. I will. I mean I will answer your question in a minute.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. I would rather not have anything to do with reading any statement like this.

You see, I could be handed any kind of photostat or any kind of original statement to read something that might say I am a so-and-so; I, James Coleman, am a so-and-so.

Mr. TAVENNER. Mr. Chairman, to shorten the matter, I desire to offer the document in evidence, photostatic copy of the summer issue of New Foundations and ask that it be marked "Coleman Exhibit No. 2."

¹ Retained in the files of the committee.

Mr. CLARDY. It will be received as Coleman exhibit No. 2.¹

Mr. TAVENNER. I desire to read into evidence the footnote printed on the bottom of page 235:

Mr. Coleman, a veteran, left Howard University in December 1948 to study Marxism at the Jefferson School preparatory to working in the South. He is social-science editor of the New Foundations.

This appears as a footnote to an article regarding the trial of the 11 in New York by Judge Medina, and the name James Coleman appears in print at the top of the article.

Now, Mr. Coleman, did you write the article yourself? Did you compose the article that appears under your name?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. TAVENNER. It is entitled "Twelve Times Twelve Million."

(At this point Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Mr. Tavenner, as a matter of principle, I want to invoke the first amendment on the article that I wrote, might have wrote, or any article that is connected with the freedom of the right to speak your mind and to express your opinion, whether it differs with anyone else's or not.

I want to also invoke the fifth amendment on that question because the purpose of asking that question is to try to link me with some kind of a crime.

Mr. CLARDY. The Chair directs that you answer the question.

I am specifically directing you to answer the question as a necessary statutory preliminary in the matter of seeking immunity so that you may be compelled to answer at a later time.

(At this point Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. The question is impertinent, No. 1.

No. 2, I invoke the first amendment, which gives me the freedom of expression, or association with anyone I want as long as I have not committed a crime.

I invoke a principle that this committee is haranguing—I mean harassing me for not having done a crime but for having a different opinion, and I invoke the fifth amendment in order to protect myself by being jailed by this committee and being intimidated.

Mr. CLARDY. Let us proceed to make the record, Mr. Tavenner.

Mr. TAVENNER. Will you state whether or not the footnote to the editorial, appearing at the bottom, as to your having left Howard University in December 1948 to study Marxism at the Jefferson School, and that you are social science editor of New Foundations, is correct or is it false?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. I refuse to answer that question because it is an invasion of my rights to associate, assemble, or do anything as far as freedom of expression is concerned, that as long as it does not—as long as I am not committing a crime.

I also invoke the fifth amendment on that question in refusing to answer it.

Mr. CLARDY. I direct that you answer that question in conformity with the provisions of the act of Congress dealing with grants of immunity.

¹ Retained in the files of the committee.

Mr. COLEMAN. Since, if I have not committed any crime, which I have I should and would be jailed a long time ago, I invoke the fifth amendment in refusing to answer that question.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Coleman, how are you now employed?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. To answer the question as to how I am employed would be in line with the questions that you asked in line with the intent of this committee to show that there is some kind of a conspiracy to overthrow the Government and link me in with it.

So I therefore invoked the fifth amendment in refusing to answer that question.

Mr. CLARDY. Again, in order to conform with the provisions of the recently enacted immunity statute, I direct that you answer that question.

Let him state his position.

Mr. COLEMAN. I invoke the fifth amendment in refusing to answer the question.

Mr. TAVENNER. Did you file a written application for employment with Buick plant in Flint, Mich., in October 1950?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Since it is a matter of record that this committee incited violence in the shops by raising a question or raising or pretending that there was a conspiracy in the automobile plants, and thereby causing quite a bit of bodily harm being done which was sanctioned by one of the representatives particularly of this committee, I do not think that I would want to answer that question for that reason, and besides, I invoke the fifth amendment.

Mr. CLARDY. I again direct that that question be answered.

Mr. COLEMAN. I invoke the fifth amendment.

Mr. TAVENNER. Did you reside at 1814 Jasmine Street, Flint, Mich., in October 1950?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. I invoke the fifth amendment.

Mr. CLARDY. I direct you to answer the question.

Mr. COLEMAN. Whether I resided anywhere is all a part of the same pattern in Flint. I therefore invoke the fifth amendment.

Mr. TAVENNER. I hand you a photostatic copy of an application for employment at Buick, Flint, Mich., bearing the date October 6, 1950.

Will you look at the signature to the application, please, and state whether or not it is your signature which has been reproduced there?

Mr. COLEMAN. You mean at the bottom here?

Mr. TAVENNER. Yes, sir.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. I regard that question as intending to incriminate me and I therefore invoke the fifth amendment in refusing to answer the question.

Mr. CLARDY. I direct that you answer the question.

Mr. COLEMAN. I invoke the fifth amendment in declining to answer the question.

Mr. TAVENNER. Mr. Chairman, it is desired to offer the document in evidence, and I ask that it be marked "Coleman Exhibit No. 3."

Mr. CLARDY. It will be received as Coleman exhibit No. 3.¹

Mr. TAVENNER. Mr. Chairman, I desire to read the signature into evidence. It appears at the bottom of the document marked as "Coleman Exhibit No. 3." The name is James A. L. Coleman.

Mr. Coleman, an examination of this application for employment shows that you were in the United States Army from 1942 to 1946, where you served as a postal and stock clerk, and that you received an honorable discharge; is that correct?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. The document has already been put into evidence as exhibit No. 3 and I am not prepared to verify anything, or give any kind of support to what is in that document, knowing nothing about it any more than that you claim that it is a photostatic copy, and I invoke the fifth amendment also.

Mr. CLARDY. The Chair directs that you answer the question.

Mr. COLEMAN. I refuse to answer the question for the reason I just stated and because of my rights under the fifth amendment.

Mr. TAVENNER. You did testify earlier in the hearing that you were in the United States Army and came out in 1946; did you not?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Repeat that question, please.

Mr. TAVENNER. It is true, is it not, that you testified in the earlier part of this hearing that you were in the armed services and you got out in 1946 and went straight to Philadelphia after getting out of the service?

Mr. COLEMAN. If I stated that, I would like to have it read from the record.

Mr. TAVENNER. Do you recall having stated that?

I am asking you about your present recollection as to whether you recall having stated it.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

(Representative Gordon H. Scherer entered the hearing room at this point.)

Mr. COLEMAN. I do not recall exactly what I said and I would like to have it—

Mr. CLARDY. Isn't it a fact that, as Mr. Tavenner recited it, the event took place?

You must know your record of your going in and out of the Army. You did testify and I heard it this morning, and I recollect it and I do not like to have you trifle with the committee this way.

Mr. COLEMAN. I am not trifling. You are trifling with my working time.

Mr. CLARDY. Be still for a moment.

Let me see what your recollection of this morning is. If your recollection now of the facts as stated by Mr. Tavenner are not true and correct facts as to that—

Mr. COLEMAN. And you cast aspersions that I must know that.

Mr. CLARDY. If you don't know, you are certainly a most peculiar individual.

Mr. COLEMAN. As if that is of concern here.

There is more at hand here than my recollection of knowing things.

Mr. CLARDY. I asked you a question.

¹ Retained in the files of the committee.

Mr. COLEMAN. Will you let me consult my attorney and without any casting aspersions on my consulting him?

Mr. CLARDY. You may consult him.

Mr. COLEMAN. Repeat the question, please.

Mr. CLARDY. No; I will not. You remember what it is.

Mr. COLEMAN. Well, if you don't repeat it, I am sorry.

Mr. CLARDY. Why don't you answer the question?

I direct you to answer the question.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Well, if you refuse to have the question repeated, since there was some confusion there and Mr. Tavenner said something and I said something, I am afraid that I don't know exactly how the question is worded.

Mr. CLARDY. Are you refusing to answer the question?

Mr. COLEMAN. I do not understand the question and I don't know what the question is.

Mr. CLARDY. You know better than that, so you are, by indirection, refusing to answer it. That will be noted in the record.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Walter, a member of the committee, asked you whether or not you had at any time resided in the city of Washington and you refused to answer on the ground that to do so might tend to incriminate you.

I find on this application for employment that the last two addresses were given, one of which being 737 Howard Street, Washington, D. C., 1946 to 1950.

Now, isn't it true that you did live in Washington between 1946 and 1950.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. TAVENNER. Isn't that true?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. In answering that question, if the question is—I cannot really see what my—where I lived at in 1946 or 1947 has to do with the issue, the concern of this committee in its investigations. And so I think it is impertinent, and if it is pertinent, then I invoke the fifth amendment.

Mr. CLARDY. You are directed to answer the question.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. CLARDY. We want to make this record airtight.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. I think that the question is not pertinent and therefore I refuse to answer it, and I also invoke my rights under the fifth amendment.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. As a matter of fact, Mr. Coleman, the statement in your application that you lived at 737 Howard Street, Washington, D. C., from 1946 to 1950 and then in Flint, Mich., from February 1950, was entirely false and untrue; wasn't it?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. TAVENNER. And you knew it was untrue when you wrote it?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Mr. Tavenner, you are asking me to again verify something on that document which I gave the grounds for not verifying; and, secondly, I invoke the fifth amendment.

Mr. CLARDY. You are directed to answer the question.

Mr. COLEMAN. I refuse to answer the question for the two reasons I just stated.

Mr. TAVENNER. Mr. Coleman, your statement on your application that you were a resident of Washington, D. C., from 1946 to 1950 could not have been true, because you were then attending the Jefferson School in New York and you were the social science editor of the New Foundations in 1948 and part of 1949.

Mr. COLEMAN. I haven't verified either one of those documents. Either one of them could be false.

Mr. TAVENNER. Are they false?

Mr. COLEMAN. I am making a simple statement like you are making.

Mr. WALTER. Which one of those is false?

Mr. COLEMAN. It is not for me to verify the falsity or correctness of either one of those documents.

Mr. CLARDY. Mr. Tavenner, may I suggest that you go back to your original question. The question was, as I understand it, that the statements made on the application form could not be correct because of the fact that he was engaged, as you have indicated, in connection with this magazine and because he was in New York at the school you have described.

Is that not the gist of your question?

Mr. TAVENNER. That is the question.

Mr. CLARDY. I direct you to answer the question put to you by Mr. Tavenner.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. The answer to the question is the same as I just gave.

Mr. CLARDY. You are refusing to answer on the two grounds?

Mr. COLEMAN. On the two grounds I just stated.

Mr. CLARDY. Now, then, ask the question which I think we should as to which of the two is true or false. I cut you off on that but I think it is well to ask it.

Mr. TAVENNER. Which of these two statements which have been presented to you is correct: that you did live in Washington, D. C. between 1946 and 1950, or that you were in the city of New York between December 1948 and some date in 1949?

Mr. COLEMAN. I think that it is an insult to my commonsense for you, Mr. Clardy, to direct that question again like that and it is more of a reflection on your own self to ask me a question like that when I just finished answering it.

Mr. CLARDY. I am directing you to answer it.

Mr. COLEMAN. And I make the same answer as I gave before.

Mr. CLARDY. What is the answer?

Mr. COLEMAN. That this document—neither one of them have been verified by me.

Also, I had invoked the fifth amendment on the question.

Mr. WALTER. You started to say that neither of those documents had been what, identified?

Mr. COLEMAN. Had been verified.

Mr. WALTER. Maybe they could be verified if you were shown the documents.

Mr. TAVENNER. Those exhibits have been shown to the witness and he has refused to identify them. Possibly he will do so now.

Mr. WALTER. Yes, his recollection may have been refreshed.

Mr. TAVENNER. This may have refreshed it; yes, sir. I will now present the documents to the witness again.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Surely this committee takes the—has information in its own investigation and if you have done this, Mr. Tavenner, or whoever your investigator was who did it with their little pinkies, then you ought to have confidence in their work and not mine, and you have already stated that you have already given evidence that what I say here, if you do not agree with it, doesn't amount to a hill of beans; so from that commonsense point of view you should not ask me to identify either one of these articles.

Secondly, I refuse to identify these articles because I don't know what they are and I invoke the fifth amendment.

Mr. WALTER. You can read. You have got good eyes. If you don't know what they are, look at them and read them.

Mr. COLEMAN. Mr. Walter, you could not stand me to tell you about reality a while ago.

Mr. WALTER. I have heard this from other commies and I just don't like it. I am very allergic to the commies.

Mr. COLEMAN. It just hurts you to hear about it, and you expect me not to say anything about it.

Mr. WALTER. Just take a look at that document and answer the question if you can identify it.

Mr. CLARDY. I will ask you this question: Have you seen either of those documents before, in the original?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. CLARDY. One is a magazine and the other is the application.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. CLARDY. Now, I am directing that you answer it. As you understand, under the statute it is necessary that I direct you to answer the question in order that a proper request may be made of the proper court for a grant of immunity in order to bring you before us again for answering the questions. It is necessary that the Chair direct you, so I am making very sure that in each instance I direct you.

I say so that you will understand that.

I am now directing you to answer the question.

Mr. COLEMAN. The question I would like to have repeated.

Mr. CLARDY. I will say it again. The question is: Did you ever see the original of the two documents, copies of which are before you, one being the magazine and the second one being the application.

Mr. COLEMAN. Perhaps if I could see the originals, I might be able to answer the question. But as I have said before, if you do not have any confidence in your own investigators, then I certainly cannot and I cannot verify these documents.

Mr. CLARDY. We have confidence in them.

Mr. COLEMAN. Well, if you know that they are authentic, then it is no matter what I say it contains.

Mr. CLARDY. If there is any contradiction, Witness—

Mr. COLEMAN. What is that?

Mr. CLARDY. It comes from you because you have made contradictory statements.

Mr. COLEMAN. The contradiction stems from you at the beginning.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. COLEMAN. Because your harassing of me is entirely out of line with the purpose for which your committee is supposed to have been established. You have never investigated——

Mr. CLARDY. My only quarrel with you is that you have been identified as a Communist.

Mr. COLEMAN. You have never investigated or even been concerned about the deprivation of civil rights of millions of my people in the South.

Mr. CLARDY. It is because of people like you.

Mr. COLEMAN. It is because of people like that that say something about it.

Mr. CLARDY. You and your ilk become the biggest Communists.

Mr. COLEMAN. And you, yourself, by showing how you can get concerned about a person like me and not concerned about the crimes taking place daily where lynchings are out in the open and nobody investigates it, and I am supposed to be crazy if I say something about it.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. Isn't it a fact that the placing of the false information on your application as to the period of your residence in the city of Washington was done in order to deceive your employers so they could not ascertain what business you were really engaged in during that time in New York?

Mr. CLARDY. And the Chair directs that you answer the question. (At this point Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. That question is not pertinent to the issue because the reason that question, as it was before established when this committee was in Flint, Mich., was to stir up violence in the shop.

It is not to get anyone for some crime they committed. Those people only lost their jobs and were beaten up. That was the only result of your committee coming to question.

Mr. WALTER. You said it is not pertinent to the issue. What are the issues?

Mr. COLEMAN. You are supposed to be investigating crimes against the United States, which happen every day, which you allow to go unpunished.

Mr. WALTER. I was afraid you were in error. The issue isn't investigation of crimes. The Federal Bureau of Investigation does that. Oh, no; the purpose is something entirely different.

Mr. CLARDY. I do not think your attempt to educate him will succeed. So we might as well get on with the hearing.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Isn't it also true that in filling out the educational part of your application that you omitted any information concerning your attendance at Jefferson School in New York in order to deceive your employer.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. CLARDY. And the Chair directs that the question be answered.

Mr. COLEMAN. You are asking me a loaded question to a fact that I left out attending Jefferson School, and I have never even said or it has never been established that I had attended Jefferson School, and, furthermore, this committee has called me before it without even giving me the reasons why I was called before it.

You are supposed to have evidence before you call people before it.

Mr. SCHERER. Do you deny that you attended Jefferson School? Do you deny that?

Mr. COLEMAN. I said that this committee has never established the fact that I have attended any school.

Mr. SCHERER. Isn't it a fact that you attended Jefferson School?

Mr. COLEMAN. And I say that this committee——

Mr. SCHERER. I ask you to answer the question.

Isn't it a fact that you attended Jefferson School?

Mr. CLARDY. I direct that you answer the question.

Mr. COLEMAN. You have got two questions on the floor.

Mr. CLARDY. You have my direction that you answer the question last propounded by Congressman Scherer.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Well, I don't want to waive any rights under the fifth amendment. I do not want to be put in jail for nothing, so I would like to have it understood that the question previously stated, although you are saying go on with the second question, my rights under the fifth amendment, I do not waive those rights all in relation to that question.

Mr. CLARDY. You are refusing to answer Mr. Scherer's question.

Mr. COLEMAN. I am talking about the question previous to this, but yet it may come out that you are going to fine me for contempt.

Mr. CLARDY. May I correct you?

You understand the English language. The process we are undergoing now is designed to prevent you from going to jail and not put you in jail. The statute is designed to prevent and not put you in jail.

Mr. COLEMAN. The immunity deal——

Mr. CLARDY. I take it you want to be obstinate about it.

Mr. SCHERER. Isn't that a fact that you attended Jefferson School?

Mr. CLARDY. And I direct you to answer the question.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Whether or not I attended the Jefferson School is irrelevant to the purposes of this committee as far as supposedly set up to investigate un-American activities.

My rights to attend, to associate, to speak freely within the law is guaranteed to me by the first amendment which you refuse to recognize and I also refuse to answer the question on the basis of my rights under the fifth amendment since the only way I can protect any rights under the fifth amendment is to use the first amendment.

Mr. SCHERER. Do you deny that you attended the Jefferson School?

Mr. CLARDY. You are directed to answer the question.

Mr. COLEMAN. My answer is the same as I gave before.

Mr. CLARDY. Very well.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Did you become acquainted with a person by the name of Mary Stalcup Markward?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. Whether I know a Stalcup or a Mary Stalcup or whatever her name is——

Mr. TAVENNER. Let me get you straight on the name.

It is Mary Markward.

Mr. COLEMAN. Whatever her name is. Whether I know her is irrelevant to the purposes that this committee is supposed to be set up to investigate, and if there is anything you want to know about me, then that is the field that you go into, and, furthermore, I invoke the fifth amendment.

Mr. CLARDY. You are directed to answer the question.

Mr. COLEMAN. I refuse on the grounds that I just stated.

Mr. TAVENNER. Mary Markward was the former treasurer of the Communist Party of the District of Columbia, and in that capacity she was working for the Federal Bureau of Investigation from 1942 until 1946, or possibly longer, 1948, I believe.

The committee is advised by Mary Markward that she remembers you as having been a student at Howard University and as an individual with whom she met on several occasions at Communist Party headquarters on Ninth Street, Washington, D. C.

Is she correct in that identification of you?

Mr. CLARDY. I direct you to answer the question.

(At this point Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. This Mary character that you are referring to has given you certain information anybody can give, any character can give.

Mr. TAVENNER. Is it right or is it wrong?

Mr. COLEMAN. And so it is not important whether I validate it or not, but I refuse to answer on the basis of the fifth amendment.

Mr. TAVENNER. Is the possible identification of you as a Communist in Washington the real reason why you would not answer Mr. Walter's question as to whether or not you had attended Howard University?

(At this point Mr. Coleman conferred with Mr. Wistrand.)

Mr. CLARDY. You are directed to answer the question.

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. I refuse to answer that question because to answer them might put my freedom at stake and I am actually fearful of answering that question, and I invoke the fifth amendment.

Mr. TAVENNER. Have you ever been present at Communist Party headquarters on Ninth Street in Washington, D. C.?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. From the way the question is posed, evidently there was a headquarters at Ninth Street or wherever you say it was and if it was there it must have been a legal organization and if anyone, myself included, went up there, it is my right to go up there and this committee—therefore, that question is not pertinent.

Now, No. 2 is that I invoke the fifth amendment because to admit my right, to admit any kind of a practice under the first amendment nowadays before this committee is to put yourself in jeopardy.

So I invoke the fifth amendment.

Mr. CLARDY. To you it was a lawful organization and had a right to exist and you could not commit any crime by going there, and you invoke the fifth amendment because you admit it might incriminate you?

Mr. COLEMAN. I invoke the fifth amendment.

Mr. TAVENNER. Were you employed in the summer of 1949 by Camp Unity, a summer resort near Wingdale, N. Y.?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. I haven't done anything criminal. I haven't done anything criminal and so if I had worked at Camp Unity, then it was not anything wrong.

Mr. SCHERER. Well, if there was not anything criminal, then you have invoked the fifth amendment improperly all day today.

Mr. CLARDY. You surely have.

Mr. COLEMAN. I said if I worked there.

Mr. CLARDY. I heard what you said. You said you did not do anything criminal.

Mr. COLEMAN. If there is such a camp as Camp Unity, then it must lawfully exist. But I regard the question as an invasion of my right to free association, free assembly, and I invoke all my rights under the first amendment.

I invoke my constitutional right in its entirety. I invoke the rights of the concept—I protest under the concept of the preamble to the Constitution which states that a person has the right to the pursuit of happiness and all that it entails; and for me the pursuit of happiness certainly means to try to obtain equality and full democracy for everyone in this country and not just for a few.

So I invoke those principles and I invoke the fifth amendment in refusing to answer the question.

Mr. CLARDY. To complete the record, you are directed to answer the question.

Mr. COLEMAN. Well, my position is as I said here, the preamble to the Constitution of the United States which proposes that every man should have the right to happiness, and this position is especially important to me as a Negro American. It means to me that the principle of democracy is real and not for a few but for all Americans. It means that if—

Mr. CLARDY. Are you refusing to answer on the usual grounds?

Mr. COLEMAN. It is a joking matter to you, Mr. Walter, because you happen to be in the other group in the United States and you are not only amused but you are calloused.

Mr. CLARDY. Listen to me.

Are you refusing to answer the question on the grounds already advanced?

Mr. COLEMAN. That is right.

Mr. CLARDY. Very well.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. COLEMAN. I refuse to answer on the basis of the fifth amendment.

Mr. CLARDY. You are directed to answer the question.

Mr. COLEMAN. And I give the same answer.

Mr. CLARDY. Do you have any questions, Mr. Scherer?

Mr. SCHERER. Do you belong to the NAACP?

Mr. COLEMAN. Mr. Scherer, you know that the NAACP is another organization, because of its statements concerning the right for every man, Negro as well as white, to have equality, has been branded by various individuals as being a Red front and a Red organization; and there are plenty of quotes by congressional representatives above your capacity and senatorialship who say that the NAACP is nothing but a bunch of Reds, and because any kind of organization that is pro-

gressive—you never heard of the Courier and you never heard of a lot of things that happen in the United States in regard to my people and you don't make it your business and you should make it your business. And when I talk about it, you take a callous attitude and refuse to admit it.

Mr. CLARDY. He asked a very simple question.

Mr. COLEMAN. I know, and it was a very simple question.

Mr. CLARDY. Are you a member of the organization he asked you about?

Mr. COLEMAN. I invoke my rights under the fifth amendment and refuse to answer that question.

Mr. CLARDY. You are directed to answer that question.

Mr. COLEMAN. I also regard the question as not pertinent and I give the same reason as before for not answering, and the fifth amendment.

Mr. TAVENNER. Mr. Chairman, I do not believe that this record should be permitted to stand the way it is indicated it does now.

This committee has never cited that organization as a Communist front, and it has never been cited by any organization.

Mr. COLEMAN. The record—

Mr. CLARDY. Witness, Mr. Tavenner is speaking.

Mr. TAVENNER. The only discussion about it was the local that existed in Hawaii, and the national organization, of the NAACP withdrew the charter from that organization in Hawaii because of that, and I do not think that the record should be shown to indicate that this witness is claiming that that organization is a Red—

Mr. COLEMAN. I am not claiming that. I said it has been said it was.

Mr. CLARDY. Mr. Tavenner, I think the Chair is content the record stand as it is because it is quite obvious that this gentleman is attempting to himself make the accusation in a backhanded fashion.

He has brought it into the hearing in an attempt to wrap a mantle of innocence about himself.

What you said is obviously substantially correct so far as I know and I do not think that it is necessary that we produce any testimony at this time because the name of that organization is certainly not before us and it is not on trial in any way, shape, or form.

Do you have any more questions, Mr. Scherer?

Mr. SCHERER. I want to make this observation: That I think the record should show that the whole attitude and mannerism of this witness, including his tone of voice during his entire interrogation, was most contemptuous.

Mr. COLEMAN. And I would like the record to show that I object to that kind of reference to my attitude.

Mr. CLARDY. Do you have any questions, Mr. Walter?

Mr. WALTER. No.

Mr. CLARDY. I have just 1 or 2.

Mr. Tavenner asked you if you were now a member of the Communist Party. I want to ask you if you ever have been a member of the Communist Party, and I direct you to answer that question.

Mr. COLEMAN. I refuse to answer it under my rights under the fifth amendment.

Mr. CLARDY. And now, because of the statement made earlier when you were on the stand previously today, that the committee, the full committee intends to meet and to take action under the immunity

statute, I feel impelled to ask you this: Assuming that the full committee agrees with the subcommittee and that recourse is had to the court asking that immunity be granted so that we may then summon you before us again and once more propound the questions you were directed to answer, will you at that time, when and assuming that you are granted immunity, will you at that time give full, free, and true answers to those questions?

(At this point, Mr. Coleman conferred with Mr. Wistrand.)

Mr. COLEMAN. In regard to that question and the point that was made before, I disagree with Mr. Scherer's remarks and I object to them strongly because my attitude in championing my rights as a human being—if you were in my shoes you would regard it as being very noble and brave, a thing to do in the face, especially, of all the things that are going on today.

So I object to his interpretation of my attitude as being insulting or disrespectful.

Mr. CLARDY. Witness, get off the platform and answer the question.

Mr. COLEMAN. And, furthermore, on this question that you raised, I am not good at imagining just how this committee or that immunity thing might work out. I am not good at imagining things like that.

So I am not prepared to answer that question now.

Mr. CLARDY. All right, then before I excuse you, I want to associate myself with Mr. Scherer.

Mr. COLEMAN. And that goes for you, too, then.

Mr. CLARDY. Please subside, because it is entirely possible that I may not be present when you are eventually called back before the committee for a final hearing that I think will follow.

I want the record to show clearly and unequivocally that, in my opinion, you have been one of the most contemptuous witnesses that it has been my experience to hear in the time I have been on the committee.

Mr. COLEMAN. You have been one of the most contemptuous persons I have ever faced.

Mr. CLARDY. Will you subside, sir?

Mr. COLEMAN. You have been contemptuous of my rights.

Mr. CLARDY. And I am—Officer, will you step over there?

If we have to suppress him by force, we shall do so.

I want you to know that, in my opinion, you have been deliberately following the Communist Party line in an effort to obstruct the work of the committee, in an effort to show your contempt of the committee, and I want the committee that will have charge of the final hearing to know that as one who presided over this hearing, it was my firm conviction that you did what you did and gave the answers that you did.

Mr. COLEMAN. I am before this committee without being named by anybody.

Mr. CLARDY. The witness will be excused, to be recalled at the convenience of the committee.

You will be notified as to the time and place subsequent to this hearing.

We will now stand in recess until 10 a. m. tomorrow morning.

(Whereupon, at 4:43 p. m., the hearing adjourned to Thursday, November 18, 1954, at 10 a. m.)

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE
STATE OF MICHIGAN—Part 12

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-THIRD CONGRESS
SECOND SESSION

NOVEMBER 18 AND 19, 1954

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

* * * * *

RULE X

SEC. 121 STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.

(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

RULES ADOPTED BY THE 83D CONGRESS

House Resolution 5, January 3, 1953

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress, the following standing committees:

* * * * *

(q) Committee on Un-American Activities, to consist of nine members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

(a) Un-American activities.

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INVESTIGATION OF COMMUNIST ACTIVITIES IN THE STATE OF MICHIGAN—PART 12

THURSDAY, NOVEMBER 18, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Washington, D. C.

PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10:30 a. m., in room 313 of the Old House Office Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Kit Clardy, Gordon H. Scherer, Francis E. Walter, and Morgan M. Moulder (appearance noted in transcript).

Staff members present: Frank S. Tavenner, Jr., counsel; Courtney E. Owens, chief investigator; Thomas W. Beale, Sr., chief clerk; Raphael I. Nixon, director of research; and Donald Appell, investigator.

Mr. VELDE. The committee will be in order.

Mr. Reporter, let the record show that present are Mr. Clardy, Mr. Scherer, Mr. Walter, and myself, as chairman of the subcommittee.

Do we have a witness, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. Max Trachtenberg, will you come forward, please sir?

Mr. VELDE. In the testimony you are about to give before this subcommittee, do you solemnly swear you will tell the truth, the whole truth and nothing but the truth, so help you God?

Mr. TRACHTENBERG. I do.

TESTIMONY OF MAX TRACHTENBERG, ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER

Mr. TAVENNER. What is your name, please, sir?

Mr. TRACHTENBERG. Max Trachtenberg.

Mr. TAVENNER. Will counsel accompanying you please identify himself for the record?

Mr. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

Mr. TAVENNER. When and where were you born, Mr. Trachtenberg?

Mr. TRACHTENBERG. I was born August 10, 1917, in the city of Detroit.

Mr. TAVENNER. Where do you now reside?

Mr. TRACHTENBERG. I reside at 1550 Delaware, Detroit.

Mr. TAVENNER. Have you lived in Detroit during your entire life?

Mr. TRACHTENBERG. No.

Mr. TAVENNER. What other places have you resided?

Mr. TRACHTENBERG. I resided in many places. I lived in New Jersey—

Mr. TAVENNER. Let's begin this way: How long have you lived in Detroit, from the present time back to the time you lived in some other place?

In other words, your last residence at Detroit has been for how long a period of time?

Mr. TRACHTENBERG. Oh, about 5 years or so, I imagine.

Mr. TAVENNER. Prior to that, where did you live?

Mr. TRACHTENBERG. I lived in Flint.

Mr. TAVENNER. How long did you live in Flint?

Mr. TRACHTENBERG. Not quite a year.

Mr. TAVENNER. When did you move to Flint?

Mr. TRACHTENBERG. Oh, around 1948 or 1949; somewhere in there.

Mr. TAVENNER. When you came to Flint, from what area did you come?

Mr. TRACHTENBERG. I came from New York.

Mr. TAVENNER. How long have you lived in New York?

Mr. TRACHTENBERG. Well, I couldn't tell you exactly how long because in the early part of my life my father moved around quite a bit; but I would say maybe 15 years or so. Maybe a little longer, or less. I wouldn't be too sure.

Mr. TAVENNER. Were you a member of the Armed Forces at any time?

Mr. TRACHTENBERG. Yes.

Mr. TAVENNER. What was the period when you were a member of the Armed Forces?

Mr. TRACHTENBERG. About 1942-45 or so.

Mr. TAVENNER. What was the nature of your employment immediately prior to your coming to Flint, Mich., in 1948 or 1949?

Mr. TRACHTENBERG. Oh, I had various jobs.

Mr. TAVENNER. My question was immediately prior.

(Representative Morgan M. Moulder entered the hearing room at this point.)

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I was a substitute in the post office, I think, my last job.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. TRACHTENBERG. Well, I attended grade school, secondary school, and I had a few terms in college.

Mr. TAVENNER. Are you a brother of Martin Trachtenberg?

Mr. TRACHTENBERG. Martin Trachtenberg is my brother.

Mr. TAVENNER. Did the two of you come to Flint at the same time?

Mr. TRACHTENBERG. Now, look here, this is my brother you are talking about, and I didn't think that in this country you are asked to talk about or against or for members of your family.

This resembles something that I read about in other countries—in Germany, for instance, where people are asked to talk about their brothers, which finally led to 10 million of my people being cremated, and I don't approve of that kind of questioning.

Therefore, I will ask you to withdraw that question.

Mr. TAVENNER. Mr. Chairman, may I ask that the witness be directed to answer?

Mr. VELDE. Sorry; I wasn't listening to the question that you asked.

Mr. TAVENNER. I asked the witness whether or not his brother was Martin Trachtenberg, and he replied that he was; and I asked whether this witness came to Flint at the same time his brother, Martin, came, and the witness has requested that I withdraw the question on the ground he didn't think he should be required to give any testimony relating to his brother.

Mr. VELDE. Certainly the Chair feels it is a very legitimate question. So, you are directed to answer the question.

Mr. WALTER. Well, I didn't hear, either. I heard something about "my people being cremated." What has that got to do with your brother—

Mr. SCHERER. It was a very surly answer on the part of the witness.

Mr. WALTER. No, no.

Mr. SCHERER. I listened to it.

Mr. WALTER. What has that got to do with the time your brother went to Detroit?

Mr. TRACHTENBERG. In Germany, there is a practice of trying to turn father against son, daughter against mother, on the basis of this kind of questioning, and I strongly resent that kind of questioning in relation to my brother.

Mr. CLARDY. So, you think merely asking whether you two went to that area at the same time is just a horrible question and shouldn't be asked?

Mr. TRACHTENBERG. I am down here to answer all the questions about myself. My brother has nothing to do with it, and, therefore, I asked to withdraw that question.

Mr. VELDE. Well, rather than withdraw the question, you are directed to answer the question, Mr. Trachtenberg.

Mr. TRACHTENBERG. I will refuse to answer that question on the basis of my rights under the Constitution, all my rights under the Constitution, on the basis of the first amendment that gives me privilege of speech, freedom of association, freedom of thought which this committee does not seem to hold in great respect.

I also claim the privilege of my rights under the fifth amendment, not to be a witness against myself.

Mr. SCHERER. When did you come to this country?

Mr. TRACHTENBERG. I was born in this country.

Mr. SCHERER. You said "over in Germany." What were you referring to Germany about; your people in Germany?

Mr. TRACHTENBERG. I have a strong feeling for all people that suffer prosecution, and of course I am interested in the people of my nationality that suffer prosecution and persecution.

Mr. SCHERER. I thought you were referring to your family.

Mr. TRACHTENBERG. My family was also involved.

Mr. CLARDY. You mean your family lives in Germany now?

Mr. TRACHTENBERG. No.

Mr. CLARDY. Have they ever?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. No. They have been in Germany, but—

MR. CLARDY. Did they live in Russia?

MR. TRACHTENBERG. No. They lived in countries overrun by Germany.

MR. CLARDY. What countries?

MR. TRACHTENBERG. Poland.

MR. SCHIERER. Did you say a few minutes ago your people were persecuted in Germany? What did you mean by that?

MR. WALTER. He didn't mean literally his people. That was just the old professional——

MR. TRACHTENBERG. I meant all the Jewish people that were burned in Germany.

MR. SCHIERER. I didn't understand. I thought you were referring to your own family.

MR. CLARDY. You weren't referring to the persecution of the people of Poland by the Communists then, when you said that; were you? (At this point Mr. Trachtenberg conferred with Mr. Forer.)

MR. TRACHTENBERG. I was referring to that period of time of the cremation of the Jews by the Nazis.

MR. CLARDY. But you didn't recognize the persecution of the poor people of Poland by the Communists as equally horrible; did you?

MR. TRACHTENBERG. I recognize the fact that my people were cremated in Poland.

MR. CLARDY. Your answer or refusal to answer tells us a great deal more than you probably suspect.

MR. VELDE. Proceed, Mr. Counsel.

MR. TAVENNER. What employment did you take upon arriving in Flint?

MR. TRACHTENBERG. I was unfortunate in Flint. I had various jobs. I built sidewalks. I peddled. I hustled—peddling. I did everything I could to make an honest living.

MR. TAVENNER. According to your statement, after being there less than a year, you went to Detroit. What has been your employment in Detroit?

MR. TRACHTENBERG. In Detroit I now work at the DeSoto Auto Co., Division of the Chrysler Corp.

MR. TAVENNER. Has that been your employment during the entire period you have resided in Detroit?

MR. TRACHTENBERG. I think so.

I'm not sure. I think it's all I have done.

MR. TAVENNER. When you arrived in Flint, did you identify yourself with the Communist Party there by becoming affiliated with the Communist Party in Flint?

MR. TRACHTENBERG. I will again invoke my rights under the same reasons that I have stated before.

MR. TAVENNER. In other words, you refuse to testify because to do so might tend to incriminate you?

MR. TRACHTENBERG. I refuse to testify under the rights of the fifth amendment; also under the rights of the first amendment, which I have stated before; but principally the fifth amendment, because I will not be a witness against myself.

MR. TAVENNER. Were you acquainted in Flint with Mrs. Beatrice Churchill?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I will state right now before this committee I will refuse to answer any questions in relation to persons, and I will claim my rights under the same reasons that I have done before.

Mr. CLARDY. Let me see if I understand what you mean. Regardless of what the question may be, if it concerns some other person, you will refuse to answer it; am I correct in my understanding?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. No; that's not what I meant. I didn't mean to state it that way. I will limit my answers to the questions directed at me.

Mr. CLARDY. I thought so.

I ask, Mr. Chairman that he be directed to answer that question.

Mr. VELDE. Certainly.

You are directed to answer that question.

Mr. FORER. Can we have the question again?

Mr. TAVENNER. Will you read the question?

(The reporter read the question as follows:)

Were you acquainted in Flint with Mrs. Beatrice Churchill?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I refuse to answer for the reasons I have stated before.

Mr. TAVENNER. Beatrice Churchill was a member of the Communist Party, according to her testimony, having entered the party at the request of the Federal Bureau of Investigation.

She described, in the course of her testimony, the practice of the Communist Party to send young persons from the area of New York into Flint for the purpose of colonizing industry.

Her testimony on that subject was very limited as far as you are concerned.

In fact, she only refers in her testimony to you as the brother of Martin.

She does describe Martin Trachtenberg and his wife Phyllis Trachtenberg as having been two of the colonizers who came into Flint.

She says in regard to you:

Max Trachtenberg was in Flint for quite some time but he was unable to seek employment; so, he went to Detroit.

Of course, there is no dispute as to that. You have testified you did go to Detroit after having been in Flint for a short period of time.

There was testimony before the committee regarding a young Communist League group in Flint and various meetings that were held by that group. Persons who were identified as members of that group included Bolza Baxter; Louis Baxter; Nadine Baxter; Lola Van der Does; Shirley Fox; Bruce Widmark; Pauline Widmark; Elsie White; Joy Trachtenberg; Phyllis Trachtenberg; and Max Trachtenberg.

Were you identified with the Young Communist group of the Communist Party in Flint?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I refuse to answer that question for the same reasons I have stated before.

Mr. TAVENNER. At another place in the testimony this question was asked:

Are you able to identify any other of the New York group? Did I understand you to say there is another one of these Trachtens from New York?

The witness had previously testified regarding your brother.

The WITNESS. Yes. There is a Max Trachtenberg and Joy Trachtenberg, husband and wife. Max obtained employment in one of the factories, but it was found that he was a Communist, or closely associated with it, and before his 3-month period was up, was fired. Then he obtained employment with the city of Flint.

Were you discharged from any employment while in Flint?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. Yes.

Mr. TAVENNER. By whom?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. The Chevrolet Motor Co.

Mr. TAVENNER. How soon after your employment began was it that you were discharged?

Mr. TRACHTENBERG. It was, oh, about 3 or 4 days; maybe 5. It wasn't a week.

Mr. TAVENNER. Will you give the date, please, when you were discharged?

Mr. TRACHTENBERG. I can't remember.

Mr. TAVENNER. What was the nature of your employment?

Mr. TRACHTENBERG. Oh, there was no steady job I was on. It was just various jobs, whatever they were short at I did.

Mr. TAVENNER. Was that very soon after your arrival in Flint?

Mr. TRACHTENBERG. I can't remember how soon it was or how late it was. I can't remember.

Mr. TAVENNER. What was the reason for your employment?

Mr. FORER. Employment?

Mr. TAVENNER. I mean your discharge.

Mr. TRACHTENBERG. I don't know.

Mr. TAVENNER. You have refused to answer the question before, but I would like to repeat it now. Had you, prior to your employment with Chevrolet Motor Co., become affiliated with the Communist Party in Flint?

Mr. TRACHTENBERG. I refuse to answer that question for the same reasons I have stated before.

Mr. TAVENNER. Considerable testimony was taken at Flint regarding a Communist Party meeting at a farm near Lapeer in September 1949.

The testimony was that that meeting was held for the purpose of disbanding the Young Communist Group within the Communist Party, that is, the group of young Communists, and to assign them to particular fields of activity, such as the Labor Youth League and the Progressive Party.

Bolza Baxter took a very prominent part in that meeting. That was true also of Jack White and Jack Gore.

Were you present at a meeting of that description?

Mr. TRACHTENBERG. I refuse to answer that question for the same reasons I have stated before.

Mr. TAVENNER. Did you file a written application for your employment with Chrysler in Detroit?

(At this point Max Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I think so.

Mr. TAVENNER. I hand you a photostatic copy of an application and I will ask you to look at the last page and state whether or not the name appearing there, Max Trachtenberg, is a reproduction of your signature.

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. It's possible it could be mine.

Mr. TAVENNER. You are satisfied it is yours from examining it?

Mr. TRACHTENBERG. It's possible. I can't be satisfied, because no one could be satisfied; but it's possible.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Trachtenberg Exhibit No. 1."¹

Mr. VELDE. Without objection.

Mr. TAVENNER. It is noted from looking at the employment history in your application that you made no reference to Chevrolet Motor Co. at Flint, as having been an employer of yours.

Will you verify my statement?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I don't see anything on there about that.

Mr. TAVENNER. Why don't you advise your employer in your application that you had been employed by Chevrolet Motor Co.?

Mr. TRACHTENBERG. I don't know.

Mr. TAVENNER. A further examination of your application shows that you were engaged in your own business at 1805 Pasadena, Flint, from June 1946 to January 1950, when you have just advised us you were in Flint for less than a year.

Why did you make that misstatement in your application?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I refuse to answer that question for the reasons stated before.

Mr. TAVENNER. Isn't the actual reason why you made those misstatements in your application the fact that you desired to deceive your employer as to what your occupation had been and what your background was in order that you might more easily enter upon the work of the Communist Party within the union working at that place?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. I refuse to answer that question for the reasons I stated before, and I would also like to add that where I worked there are thousands and thousands of workers, from all over the country, with different and various backgrounds who come to work in Detroit.

In fact, the big motor corporations go down and recruit people you would call colonizers to work in Detroit.

In fact, I think Representative Clardy was born in Missouri. He can be termed a colonizer for coming to Michigan.

Mr. TAVENNER. I notice in another place on your application that you stated you had lived at Flint for 4½ years when you told us a few moments ago you had lived there for less than 1 year.

Was that an untruthful statement in your application?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

Mr. TRACHTENBERG. Well, if that's the statement of mine on there, then it's inaccurate.

Mr. TAVENNER. Inaccurate?

¹ Retained in the files of the committee.

You mean false, don't you?

(At this point Mr. Trachtenberg conferred with Mr. Forer.)

MR. TRACHTENBERG. I said what I meant. I said it was inaccurate.

MR. TAVENNER. That is what you meant?

MR. TRACHTENBERG. Inaccurate.

MR. TAVENNER. Mr. Trachtenberg, are you now a member of the Communist Party?

MR. TRACHTENBERG. I refuse to answer that question for the same reasons I stated before.

MR. TAVENNER. Were you a member of the Communist Party at any time while employed by Chrysler Motors?

MR. TRACHTENBERG. I refuse to answer that question for the reasons I have stated before.

MR. TAVENNER. Were you a member of the Communist Party in the State of New York before coming to Flint?

MR. TRACHTENBERG. I refuse to answer that question for the same reasons I have stated before.

MR. TAVENNER. I have no further questions, Mr. Chairman.

MR. VELDE. Mr. Clardy?

MR. CLARDY. No questions.

MR. VELDE. Mr. Scherer?

MR. SCHERER. No questions.

MR. VELDE. Mr. Walter.

MR. WALTER. No questions.

MR. VELDE. Mr. Moulder.

MR. MOULDER. No questions.

MR. VELDE. I have no further questions.

The witness is dismissed.

The committee will stand in recess until 2 o'clock this afternoon.

(Whereupon at 11:02 a. m., the hearing was recessed, to reconvene at 2 p. m. of the same day.)

AFTERNOON SESSION

(At the hour of 2:07 p. m., of the same day, the hearing was resumed, the following committee members being present: Representatives Kit Clardy (presiding), Gordon H. Scherer, and Francis E. Walter.)

MR. CLARDY. The committee will be in session.

Let the record show the chairman has appointed a subcommittee, consisting of Congressman Scherer, Walter, Moulder and myself.

Do you have a witness ready, Mr. Counsel?

MR. TAVENNER. Yes, sir. I would like to call Mr. Alfred Millstein, please. Will you come forward, Mr. Millstein?

MR. CHAIRMAN, Mr. Millstein requested that he be put over until tomorrow, which was agreed to some days ago; but counsel saw me yesterday and I thought was going to have the witness available today.

MR. APPELL. Millstein was in the room this morning.

MR. CLARDY. Is he in the room now?

MR. TAVENNER. I feel there probably has been some misunderstanding as to the time for his appearance.

MR. CLARDY. I had understood we had agreed to bring him on tomorrow.

Will counsel identify himself?

Mr. WISTRAND. Bruce Wistrand.

Mr. CLARDY. Of Flint, Mich.?

Mr. WISTRAND. Yes, sir.

**TESTIMONY OF PAUL G. SIMON, ACCOMPANIED BY HIS COUNSEL,
BRUCE WISTRAND**

Mr. TAVENNER. What is your name, please, sir?

Mr. SIMON. My name is Paul G. Simon.

Mr. TAVENNER. When and where were you born, Mr. Simon?

Mr. SIMON. I was born in Hamadan, Iran, 1922.

Mr. TAVENNER. Will you spell the name, please?

Mr. SIMON. H-a-m-a-d-a-n.

Mr. TAVENNER. And what was the date of your birth?

Mr. SIMON. June the 15th, 1922.

Mr. TAVENNER. Are you a naturalized American citizen?

Mr. SIMON. May I consult counsel?

Mr. TAVENNER. Surely.

(At this point Mr. Simon conferred with Mr. Wistrand.)

Mr. SIMON. Yes; I am.

Mr. TAVENNER. When were you naturalized and where?

Mr. SIMON. May I have the permission to check my records, please?

Mr. TAVENNER. Surely.

Mr. SIMON. I was naturalized December the 8th, 1948, at Genesee County, Flint, Mich.

Mr. TAVENNER. Under what name were you naturalized?

Mr. SIMON. Paul George Simon.

Mr. TAVENNER. Is that your name at birth, or had your name prior to that been changed?

Mr. SIMON. Yes.

Mr. TAVENNER. What do you mean by "Yes"?

Mr. SIMON. I would like to indicate here, due to the fact I am foreign-born, and also that at the time of my birth—rather, my father died prior to me being born and, as a result of that, there was a lot—it created many problems.

Mr. TAVENNER. Now, I am not interested in any reason for the change of name, but in order to get your identity correct I want to know if you have used any name other than your present name, Paul G. Simon. There is nothing mysterious about it.

Mr. SIMON. In France I went by the name of Paul Badal. And that Badal is my mother's maiden name.

Mr. TAVENNER. When did you change the name to Simon, or when did you first become known as Paul G. Simon?

Mr. SIMON. I adopted my stepfather's last name, and his name is Simon.

Mr. TAVENNER. When did you adopt that name?

Mr. SIMON. I would like to indicate here, due to the language difficulties at that time, that later on in school I adopted it as a last name.

Mr. TAVENNER. Was that before you came to the United States or after you came to the United States?

Mr. SIMON. You mean when I adopted it to Simon?

Mr. TAVENNER. Yes.

Mr. SIMON. It was after.

Mr. TAVENNER. When did you enter the United States?

Mr. SIMON. I entered the United States approximately the month of March 1932.

Mr. TAVENNER. Where did you make entry into the United States?

Mr. SIMON. Ellis Island, I believe.

Mr. TAVENNER. And at the time of your entry you were known by the name of Badal. Now how long after that was it you adopted the name of Simon?

Mr. SIMON. Well, sir, as a matter of fact, I arrived at this country as a minor, at the age of 10, I believe.

Not only I adopted the name of Badal; I also adopted the name of Solomon, which is my stepfather's first name.

I used it as my last name, considering here the language difficulties, because I am foreign-born, and then I adopted the name Simon later on in school.

Mr. TAVENNER. My question is, when did you adopt the name Simon?

Mr. SIMON. I believe I adopted that name when I attended junior high school in Flint, Mich.

Mr. CLARDY. What year was that?

Mr. SIMON. I don't recall specifically.

Mr. SCHERER. Did you graduate from high school?

Mr. SIMON. I graduated from high school.

Mr. SCHERER. What year did you graduate?

Mr. SIMON. I graduated from high school in 1941, and at that time my name was Paul Simon.

Mr. CLARDY. That would be some time in the period 1937 to 1941 that that change took place; wouldn't it?

Mr. SCHERER. He said it was in his junior year.

Mr. SIMON. Yes.

Mr. TAVENNER. Have you lived in Flint, Mich., continuously since the time you graduated from high school?

Mr. SIMON. Well, I graduated high school in 1941 and I was drafted in the Armed Forces in the month of October, I believe, of 1942.

I spent approximately 40 months in the Armed Forces. I received an honorable discharge, I may add.

Mr. TAVENNER. With the exception of that period of time when you were in the armed services, you have lived continuously in Flint; is that what you are telling us?

Mr. SIMON. From 1941?

Mr. TAVENNER. Yes.

Mr. SIMON. Yes; I have.

Mr. TAVENNER. Are you now employed by AC Spark Plug Division of General Motors?

Mr. SIMON. Yes; I am.

Mr. TAVENNER. How long have you been so employed?

Mr. SIMON. From the month of June 1941.

Mr. TAVENNER. Do you recall having made a written application for your position with AC Spark Plug?

Mr. SIMON. Sir, I would like to indicate I graduated in June of 1941 and 2 weeks later, I believe, I began to work in AC.

Mr. TAVENNER. Yes. My question was: Did you file an application at any time for employment?

Let me explain this: When you came back from the service, you renewed your employment, I assume, at AC Spark Plug?

Mr. SIMON. Sir, to the best of my recollection, I was given a leave of absence.

Mr. TAVENNER. Yes. Did you file a written application when you first began your employment with AC Spark Plug?

(At this point Mr. Simon conferred with Mr. Wistrand.)

Mr. SIMON. Sir, I may have, but I don't specifically remember.

Mr. TAVENNER. Did you file an application in 1946, after your discharge from the United States Army?

Mr. SIMON. I don't remember, sir.

Mr. TAVENNER. Let me see if I can refresh your recollection.

I hand you a photostatic copy of an application for employment at AC Spark Plug Division of General Motors, over the signature of Paul G. Simon.

I will ask you to examine it and state whether or not that is a reproduction of your signature.

(At this point Mr. Simon conferred with Mr. Wistrand.)

Mr. SCHERER. I don't think that is a very difficult question. Don't you think we better move on, witness, and counsel?

Mr. TAVENNER. I would like to get an answer to the question.

Mr. CLARDY. I think the Chair must direct the witness to answer that question. You have had sufficient time—quite a few minutes.

Mr. SCHERER. We have a lot more witnesses to hear.

Mr. SIMON. I see the name Paul G. Simon on the document.

Mr. CLARDY. Well, it looks like your handwriting, doesn't it?

Mr. SCHERER. Is it his handwriting?

Mr. SIMON. It could be.

Mr. CLARDY. Well, you wouldn't deny that it is your handwriting, would you?

Mr. SIMON. I couldn't swear that it was mine.

Mr. CLARDY. Hand him a piece of paper and ask him to write his name out.

(At this point Mr. Simon conferred with Mr. Wistrand.)

Mr. CLARDY. Witness, will you write your name?

Remove the photostatic document from in front of him and let him write his name without seeing that document.

Please comply with the Chair's request.

(At this point Mr. Simon conferred with Mr. Wistrand.)

Mr. SIMON. I will refuse to do so.

Mr. SCHERER. I ask that you direct the witness.

Mr. CLARDY. I direct that you do that.

Mr. SIMON. For the following reason: I believe this is the violation of the first amendment that guarantees every American citizen freedom of speech, freedom of assembly and freedom of thought, and I also invoke the privilege of the fifth amendment, which protects me against testifying against myself.

Mr. CLARDY. You are refusing to answer, or you are refusing to write your name out, then, as directed by the Chair?

Mr. SIMON. I am stating my legal grounds, Mr. Chairman. And on that basis—

Mr. CLARDY. But I want to be sure this record is perfectly clear that you are refusing to write your name on the blank piece of paper we have placed in front of you, together with a writing instrument. Am I correct?

Mr. SIMON. Well, again I would like to state I refuse——

Mr. CLARDY. I am just asking if you are refusing. I know you stated some grounds, but I want to be sure I interpret that as a blanket refusal on the grounds stated to do as the Chair directed.

Mr. SIMON. Yes; I do.

Mr. CLARDY. Now I should like to ask you: Do you have in your possession a driver's license?

Will you exhibit it to us, please?

(At this point Mr. Simon conferred with Mr. Wistrand.)

Mr. SCHERER. Now, Mr. Chairman, I don't like to object. We have got a lot of witnesses.

Mr. CLARDY. I know we have.

Mr. SCHERER. And I don't think we need all of this deliberation. I think it is a studied attempt—it happened yesterday——

Mr. SIMON. Sir, I refuse to comply with your wishes, because I believe it is a violation of the fourth amendment.

Mr. CLARDY. You mean you refuse to produce your driver's license?

Mr. SIMON. I would like to state the reason why.

Mr. CLARDY. Have you ever refused to produce your driver's license when stopped on a highway by an officer of the law?

Mr. SIMON. No one has stopped me on the highway, sir.

Mr. CLARDY. But you are going to refuse to do it before this committee?

Mr. SIMON. I want to state my legal rights.

Mr. CLARDY. All right. Do you have any other documents in your possession, which bear a facsimile of your signature?

Mr. SIMON. Sir, again you are violating the fourth amendment.

Mr. CLARDY. I am asking you if you have such documents in your possession.

Mr. WALTER. What is your social security number?

Mr. SIMON. Sir, you have taken the oath——

Mr. WALTER. I understand that.

Mr. SIMON. To uphold the Constitution of the United States.

Mr. CLARDY. And so have you, to state the truth here.

Mr. SIMON. And I am stating here you are violating——

Mr. WALTER. What is your social security number?

Mr. SIMON. I don't know.

Mr. CLARDY. The Chair directs you to answer that question.

Mr. SIMON. I don't recall my number.

Mr. CLARDY. Well, do you have a card bearing that number?

Mr. SIMON. Again, sir, you are violating the fourth amendment.

Mr. CLARDY. Are you refusing to tell us whether you do or not?

Mr. SIMON. I want to state my legal grounds why I am refusing.

Mr. CLARDY. You may. I ask you first to tell us whether you are refusing, and then you may state your grounds.

Mr. SIMON. Yes; I refuse, and my grounds are the fourth amendment—the right of the people to be secure in their person, papers, houses and effects against unreasonable searches and seizures.

Mr. CLARDY. We are not going to make any effort to physically take it from you. I don't want you to think that. It is entirely upon you

to refuse to respond to the request and respond to the direction of the Chair.

Since you refuse, that is all there is to it. We can find your social security number and we can find other facsimiles of your signature.

Mr. SIMON. Why did you say—

Mr. WALTER. Where did you say you were born?

Mr. SIMON. I was born in Hamadan, Iran.

Mr. WALTER. When?

Mr. SIMON. 1922.

Mr. WALTER. On what day?

Mr. SIMON. June the 15th, 1922.

Mr. WALTER. Now, this paper that contains the signature in question is the signature of Paul Simon, who was born on the 15th of June, 1922, in Iran.

Aren't you the same person.

Mr. SIMON. Sir, I must state I arrived at this country as a minor.

Mr. WALTER. Doesn't that refresh your recollection?

Take a look at the signature.

Mr. SIMON. I consider that a very prejudicial question, on the basis—

Mr. CLARDY. You mean to inquire where and when you were born is prejudicial?

Mr. SIMON. Sir, as I indicated before, I arrived in this country as a minor. There were language difficulties. At times I couldn't even express myself. I arrived in this country alone, with no one to accompany me, and I consider that question prejudicial, considering the fact that Mr. Walter—

Mr. WALTER. Prejudicial?

You consider the date of your birth prejudicial?

Mr. SIMON. I consider the question—you are implying that there is something wrong here—

Mr. WALTER. I am not implying anything. I am merely asking you whether or not you were born on that date; and when you said you were, I asked you again to look at that paper with the hope that you would—oh, go on.

Mr. CLARDY. Do you know of any other person born on that date in the location named on that application blank before you, of the same name?

Mr. SIMON. Considering the fact, sir, these investigations have considered it subversive—rather, economic hardships are created—any people that are named by this committee; and on that basis I will not answer that question.

Mr. WALTER. Don't you feel by your refusal to answer you are, yourself, creating a rather difficult position?

Don't you think this is the opportunity to clarify the atmosphere?

I say that because we have every reason to believe you are a Communist.

There are people who have under oath testified that you are a Communist.

Mr. SIMON. Sir, you are making an accusation without due process of law.

It isn't—

Mr. WALTER. Is what I say true?

Are you a Communist?

Mr. SIMON. I am saying you are making an accusation here.

Mr. WALTER. No. I am asking a question. Are you a Communist?

Mr. CLARDY. Here is your opportunity to forever clear yourself, if you are not.

Mr. SIMON. I consider your question a violation of the first and fifth amendment, which the first guarantees every American citizen freedom of speech, freedom of assembly—freedom of silence also.

Mr. WALTER. I would like you or some other Commie to point out to me where in the Constitution there is a right for people to overthrow the Government of the United States by force and violence.

Unfortunately some people seem to believe that the Constitution of the United States makes that provision.

Mr. SIMON. Sir, I strongly don't advocate the overthrow of the Government by force and violence.

Mr. WALTER. Are you a member of the Communist Party?

Mr. SIMON. As a matter of fact, force and violence was organized by General Motors against me.

Mr. WALTER. Yes.

Mr. SIMON. My clothes were torn to shreds. My clothes were thrown in the furnace——

Mr. WALTER. We are sorry about that.

Mr. SIMON. My shoes were missing.

Mr. WALTER. Are you a Communist?

Mr. SIMON. As a result——

Mr. WALTER. Are you a Communist?

Mr. SIMON. The company's——

Mr. WALTER. Are you a Communist?

Mr. SIMON. I refuse to answer that question, as I previously stated.

Mr. WALTER. Go ahead.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Simon Exhibit No. 1."

Mr. CLARDY. It will be received.¹

Mr. TAVENNER. Mr. Simon, this application is not dated, but reference is made to the fact that you had served approximately 40 months in the service.

I will read the item exactly:

State in full your military service in the United States or foreign countries. Approximately 40 months in service, Army Air Force.

You were in the Air Force, were you not?

Mr. SIMON. Yes. Part of my military service was in the Air Force.

Mr. TAVENNER. And if you entered the Army in October 1942, as you stated in the early part of your testimony, and served 40 months, then this application must have been filed more than 40 months thereafter, which would have been some time in 1946, would it not?

Mr. SIMON. To the best of my recollection, sir, I returned to the shop, I believe, somewhere in March or April.

Mr. TAVENNER. Then you made your application some time in March or April of 1946?

Mr. SIMON. I don't recall, sir.

Mr. TAVENNER. But that is the approximate date, is it not?

(At this point Mr. Simon conferred with Mr. Wistrand.)

¹ Retained in the files of the committee.

Mr. SIMON. I would like clarification on that question. You said approximate date—of what?

May I inquire of what?

Mr. TAVENNER. The approximate date of your filing of application for employment with AC Spark Plug.

Mr. SIMON. Sir, I am sorry. I don't recall that date.

Mr. TAVENNER. Let me see if this would further refresh your recollection.

This question is asked on the form:

Have you had a physical examination recently?

Answer. Yes.

Question: When?

February 18, 1946.

Therefore, the application was filed some time soon after that date, was it not?

(At this point Mr. Simon conferred with Mr. Wistrand.)

Mr. SIMON. Sir, I already testified that I don't recall whether or not I filled such an application.

Mr. SCHERER. Do you deny that is a photostatic copy of your application for employment with that company?

Mr. SIMON. I indicated, sir, that I don't recall.

Mr. SCHERER. After looking at it, do you still deny that it is a photostatic copy of your application?

Mr. SIMON. Sir, many things happened in my life. This was way back in 1946.

Mr. SCHERER. But do you mean to sit here and tell us, under oath, after looking at that application, that you can't remember whether you filed that application or not?

Mr. SIMON. I'm sorry, sir. I don't. I don't recall.

Mr. SCHERER. Well, I don't believe you.

Mr. SIMON. Well, that's your opinion, and I have my opinion also.

Mr. CLARDY. You applied for employment about that time; didn't you?

Mr. TAVENNER. May I ask you a question?

Mr. SIMON. At that time I was working.

Mr. TAVENNER. Where did you reside in 1946, after you returned from the service?

Mr. SIMON. Sir, now, how many questions are pending on the floor?

Mr. Clardy asked—

Mr. CLARDY. You go right ahead and answer counsel's question.

I will straighten this out.

Mr. SIMON. I don't—would you please repeat that question?

Mr. TAVENNER. Where did you reside in Flint on your return from the United States Army in 1946?

Mr. SIMON. I either resided at 3314 Boulevard Drive or 1531 Leed Street, Flint, Mich.

Why is because I believe at this period of time we moved, and I don't specifically recall my exact address.

Mr. TAVENNER. Then if I would read to you the address given on this application at the time you filed it, possibly that would refresh your recollection as having given that information to your employer.

Mr. SCHERER. 3314 Boulevard Drive. Did you ever live at that address?

Mr. SIMON. Yes; I did, quite some time.

MR. TAVENNER. Then the result is that here is an application which meets your description as to the place of your residence, your name, the place of your birth, the date of your birth, facts which you have testified to regarding the period of time you served in the Army and the branch of the service, and you mean to tell the committee now, after that, there is any doubt in your mind about your having signed and submitted that application?

MR. SIMON. Sir, there is still a doubt in my mind.

MR. SCHERER. Maybe we can clear it up a little more.

What ship did you enter the United States on?

MR. SIMON. Sir, this was way back in 1932. I don't remember.

MR. SCHERER. Well, you will be required to fill out other applications and you certainly remember the ship.

MR. SIMON. Well, I will check my records then before I do indicate—

MR. SCHERER. All right. You have got your records there?

MR. SIMON. I don't have all of my records there.

MR. SCHERER. Would it refresh your recollection to tell you that you entered on the ship *Paris* in 1932?

MR. SIMON. Sir, I would like to indicate again I arrived at this country as a minor.

MR. SCHERER. I understand that.

MR. SIMON. I was a little over 9 years old, and this was 22 years ago, approximately.

MR. SCHERER. Yes. But when you filled out this application you knew what ship you had arrived on?

MR. SIMON. Because I had the records with me. That is why.

MR. CLARDY. You still have those records, I take it?

MR. SIMON. Here?

MR. CLARDY. I didn't say here, I just said: You still have them?

MR. SIMON. Yes.

MR. CLARDY. You were 23 when you filled this out.

So, you knew what you were doing when you filled it out, didn't you?

MR. SIMON. Yes, because it was important that I have that information in order for me to fill out such an application.

MR. SCHERER. What was your name when you came to this country?

MR. SIMON. Paul Badal.

MR. SCHERER. And that is the name that is shown on this application?

MR. SIMON. That was my mother's maiden name.

MR. SCHERER. And your height is what?

MR. SIMON. Approximately five eight.

MR. SCHERER. Five eight. That is the height shown on here. How much do you weigh?

MR. SIMON. Now, or 22 years ago? Which do you want?

MR. SCHERER. How much do you weigh now?

MR. SIMON. Considering the fact, sir—I would like to state the reason why I may have lost a few pounds.

I was subpoenaed in the month of February to appear in May. However, I didn't.

MR. CLARDY. How do you know you lost any—if you don't know what is shown on this form? How much do you weigh now?

MR. SIMON. I don't know.

MR. CLARDY. You haven't been on the scales recently?

Mr. SIMON. No.

Mr. CLARDY. Then you don't know that you have lost weight; do you?

Mr. SIMON. I know I have lost weight, definitely.

Mr. SCHERER. You wore glasses; didn't you?

Mr. SIMON. Pardon?

Mr. SCHERER. When you filed this application you wore glasses?

Mr. SIMON. I don't always wear my glasses.

Mr. SCHERER. You told them your vision at that time was 20-40; didn't you?

Mr. CLARDY. And such hair as you have left is still black; isn't it?

Mr. SIMON. Black and some gray.

Mr. SCHERER. You have some references on here. Who is George Badal?

Mr. SIMON. Sir, again you are violating the first amendment of the Constitution that guarantees everyone the freedom of association, and I will not identify this person, under no circumstances.

Therefore, I invoke the fifth amendment of the Constitution and will not testify against myself.

Mr. SCHERER. Who is Mr. Minardo? You knew Minardo; or don't you?

Mr. SIMON. I refuse to answer that question for the same reason.

Mr. CLARDY. Do you have any more questions, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

Mr. Simon, there appears just above the signature, Paul G. Simon, a declaration, which is in this language, and I read from exhibit No. 1:

I hereby certify that I am not and will not become during the course of my employment a member of the Communist Party or of the German-American Bund or any other organization whose interests are adverse to the United States of America, and understand that membership in any of the above-mentioned organizations will be cause for my immediate dismissal.

Were you a member of the Communist Party at any time during your employment after February 1946, at the AC Spark Plug Division of General Motors?

Mr. SIMONS. I respectfully refuse to answer that question—previously stated reasons.

Mr. TAVENNER. Weren't you a member of the Communist Party at the time you executed this application for employment?

Mr. SIMON. Same answer; same reason.

Mr. TAVENNER. Were you acquainted with Beatrice Churchill?

Mr. SIMON. Same answer; same reason.

Mr. CLARDY. You mean same refusal to answer?

Mr. SIMON. No; same grounds that I previously stated.

Mr. CLARDY. Well, you said same answer. You didn't answer. You refused to answer before. I am just making it certain on the record you are refusing to answer again.

Mr. SIMON. Yes.

Mr. CLARDY. On the grounds previously stated?

Mr. SIMON. Yes.

Mr. TAVENNER. Mr. Simon, Mrs. Churchill, who had been a member of the Communist Party at Flint, Mich., and who worked at A. C. Spark Plug, went into the Communist Party and became a member of it at the instance of the Federal Bureau of Investigation in 1942.

She testified fully before this committee, and she also testified in the Smith Act trials in Detroit, where William Allen, Nat Ganley and others were convicted.

In the course of her testimony before this committee she identified you as a person known to her to be a member of the Communist Party at Flint.

She also in the course of the testimony advised the committee that in the middle of 1950, for security reasons, the Communist Party in Flint was divided into small groups.

She said there were three persons assigned to her group in 1950.

She said they were Geneva Borod, Paul Simon and Henry Birdsall.

Were you a member of that security group of the Communist Party in 1950 with Mrs. Churchill?

Mr. SIMON. I claim the privilege of the fifth amendment and refuse to testify against myself.

Mr. TAVENNER. There is testimony before the committee that there was a meeting of the young group of the Communist Party, that is, younger members of the Communist Party, in September 1949, at a farmhouse near Flint.

At this meeting Bolza Baxter and Jack White were among the prominent leaders.

The purpose of that meeting, it was stated, was to disband this unit or group of young Communists and to have them to go out and infiltrate into various other organizations, including the Progressive Party, the Labor Youth League, and other organizations.

You were identified as one of those present at that meeting in September 1949; do you recall it?

Mr. SIMON. Again I claim the privilege of the fifth amendment and refuse to testify against myself.

Mr. TAVENNER. At that meeting individuals were assigned to various groups. For instance, Bolza Baxter was assigned to the Labor Youth League; Paul Simon was taken completely out of youth work, according to this testimony, and assigned to trade-union work; is that correct?

Mr. SIMON. I again claim the privilege of the fifth amendment and refuse to testify against myself.

Mr. TAVENNER. The committee has in its possession a book prepared by secretary of state for the State of Michigan, which is an alphabetical list of signers of Communist Party petitions in the State of Michigan for the year 1946.

There appears in this list the name Paul G. Simon as one of the petitioners, address 3314 Boulevard Drive, Flint, Mich.

Do you recall the act of signing a petition for the Communist Party in the State of Michigan in 1946?

Mr. SIMON. I again invoke the privilege of the fifth amendment and refuse to testify against myself.

Mr. SCHERER. When did you say you were naturalized?

Mr. SIMON. December 1948, sir.

Mr. SCHERER. Mr. Chairman, I think this is one of those cases we should recommend to the Department of Justice to consider possible denaturalization.

Mr. TAVENNER. Were you a member of the Communist Party at the time you were naturalized as an American citizen?

Mr. SIMON. Would you please repeat that question again?

Mr. TAVENNER. Were you a member of the Communist Party on December 8, 1948, when you were naturalized at Flint, Mich.?

Mr. SIMON. I again invoke the privileges of the fifth amendment and refuse to testify against myself.

Mr. CLARDY. The Chair must direct that you answer that because I am in entire agreement with Congressman Scherer's statement on it. You, of course, have the right, the privilege, of invoking the fifth amendment if you desire, but, just the same, the Chair feels that he should direct you to answer it because you have accepted the hospitality of our shores and if you refuse to answer that key question as to whether or not at the time you applied for and eventually became a citizen of the country, if at that time you were a member of a group dedicated to the destruction of the very thing that you had to swear to uphold, then, in my opinion, as a member of this committee, you have violated that oath and appropriate action should be taken.

Now, you have the privilege of refusing to answer if you wish; but I am directing you to answer the question.

Mr. SIMON. Sir, my parents came to this country to escape religious persecution, and I believe this is—that you are violating the Constitution of the United States by implying the fact that I belong to some kind of a conspiracy to advocate the overthrow—

Mr. CLARDY. We are not implying anything, sir, and you have, for all time, an opportunity to deny flatly and categorically, connection, or association, however remote, with the conspiracy that I have discussed.

Your silence, your refusal to answer, leaves in my mind only one conclusion, and that is that the sworn testimony of the several witnesses who identified you as an important cog in that conspiracy was true; and if that is the case you have no business in the United States, and if I have anything to do with it, you will be expelled from our shores, unless you can answer that question and the subsequent questions, and unless you can justify and show that the sworn testimony which does put you in that conspiracy is utterly false and without foundation.

Now, this is your opportunity, and I don't want you to go forth after this hearing and say you were deprived of a chance of saying what you would or stating your side of the case because we are giving you an opportunity to give any explanation you care to make, to make any confession or disavowal that you wish.

Any more questions, Mr. Tavenner?

Mr. TAVENNER. Yes, sir.

What is your mother's name?

Mr. SIMON. My mother's name is Surria Simon.

Mr. TAVENNER. S-u-r-r-i-a?

Mr. SIMON. Yes.

Mr. TAVENNER. I am not asking you as a witness to make any comment on this matter, but, Mr. Chairman, in the list furnished the committee by the secretary of state of the State of Michigan there appear the following persons who signed the 1946 Communist Party petition, in addition to the witness: Solomon Simon, 3314 Boulevard Drive, Flint, Mich., and Surria—S-u-r-r-i-a—Simon, 3314 Boulevard Drive, Flint, Mich.

Are you now a member—

Mr. CLARDY. May I see that?

Mr. TAVENNER. Excuse me.

Mr. SIMON, are you now a member of the Communist Party?

Mr. SIMON. I refuse to answer that question, sir, and invoke the privileges of the fifth amendment.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Mr. Scherer?

Mr. SCHERER. I have no questions.

Mr. CLARDY. Mr. Walter?

Mr. WALTER. No questions.

Mr. CLARDY. Mr. Simon, the testimony presented before the committee at its Michigan hearings indicated you were one of those whose duty on behalf of the Communist Party it was to infiltrate and to spread the doctrines and ideas of the party in the labor unions.

We have had a great deal of sworn testimony on that subject.

I am now giving you an opportunity to tell us whether or not that was true, and I am asking you and directing you: Is the testimony that relates to your connection with the Communist Party in that manner true or false?

Mr. SIMON. I refuse to answer your question and invoke the fifth amendment.

Mr. CLARDY. Any further questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. CLARDY. Witness dismissed.

Call your next witness.

Mr. TAVENNER. Henry A. Birdsall, Jr.

Mr. CLARDY. Hold up your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. BIRDSALL. I do.

Mr. CLARDY. You may be seated.

Is counsel representing him also?

Mr. WISTRAND. Yes, sir.

Mr. CLARDY. State your name for the record.

Mr. WISTRAND. Bruce Wistrand.

TESTIMONY OF HENRY ALFRED BIRDSALL, JR., ACCOMPANIED BY HIS COUNSEL, BRUCE WISTRAND

Mr. TAVENNER. What is your name, please, sir?

Mr. BIRDSALL. I would like to make a request that no pictures be taken during this interview.

Mr. CLARDY. Yes. Boys, get your pictures and we will get on with the hearing.

Mr. TAVENNER. What is your name, please, sir?

Mr. BIRDSALL. Henry Alfred Birdsall, Jr.

Mr. TAVENNER. Are you known by the nickname of Hank?

Mr. BIRDSALL. By some people; yes.

Mr. TAVENNER. Where and when were you born, Mr. Birdsall?

Mr. BIRDSALL. In Jackson, Mich., at the Foote Hospital.

Mr. TAVENNER. What date?

Mr. BIRDSALL. May 10, 1923.

Mr. TAVENNER. Where do you now reside?

Mr. BIRDSALL. At the present moment?

Mr. TAVENNER. In what area?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. Mr. Tavenner, I have a wife and two small children, and after what happened the last time in Flint, last May, I would be very glad to give you that information, but I would like it to be kept—

Mr. TAVENNER. Do you live in Flint?

Mr. BIRDSALL. Yes; I do.

Mr. TAVENNER. How long have you lived in Flint?

Mr. BIRDSALL. Approximately 5 years and 3 months.

Mr. TAVENNER. What was the date, then, on which you moved to Flint?

Mr. BIRDSALL. I don't recall absolutely, but I think it was about—some time around the first or the middle of August 1949.

Mr. TAVENNER. What was the purpose of your moving to Flint?

Mr. BIRDSALL. To obtain employment.

Mr. TAVENNER. Did you obtain employment in Flint?

Mr. BIRDSALL. Yes; I did.

Mr. TAVENNER. At what place?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. AC Spark Plug.

Mr. TAVENNER. Will you tell the committee, please, what your formal educational training has been?

Mr. BIRDSALL. Well, I had 6 years of grade school, first at the Trumbull, half way through the third; then at Bennett Elementary School through the sixth; West Intermediate from the seventh, part way through the eighth; then we moved outside the city and I went to a small country school known as North Leonie, and I graduated from that, and then I went to the high school in that area, the name of East Jackson, and from that I went into the service, in the United States Marine Corps.

Mr. TAVENNER. What was the date when you went into the service?

Mr. BIRDSALL. June 7, 1943.

Mr. TAVENNER. And when were you discharged?

Mr. BIRDSALL. I was discharged December 30, 1945.

Mr. TAVENNER. And it was an honorable discharge, was it not?

Mr. BIRDSALL. Certainly.

Mr. TAVENNER. Very well.

Did you resume your educational training after coming out of the Army?

Mr. BIRDSALL. Yes; I did. I went to Michigan State College.

Mr. TAVENNER. How many years were you at Michigan State College?

Mr. BIRDSALL. Well, I was there 2 years. Then I went to Flint, and just before my marriage I and my wife—my wife now; she wasn't then—but we talked it over and I decided to go back to school. I went 1 more year.

Mr. TAVENNER. So that you had approximately 3 years?

Mr. BIRDSALL. Approximately 3 years.

Mr. TAVENNER. Did you specialize in any particular course?

Mr. BIRDSALL. Well, I tried to get into veterinary medicine, but they only take 64 a year and the first year they had around 350 applicants and the second year around 500, I guess it was, and I didn't get in.

So, I went on into zoology and the last year I spent in animal husbandry.

MR. TAVENNER. While you were a student at Michigan State College, did you become aware of the existence of a group or cell of the Communist Party at that place?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. Yes; I became aware.

MR. TAVENNER. Did you become acquainted there with a person by the name of James Zarichny—Z-a-r-i-c-h-n-y?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. Yes; Mr. Tavenner, I was acquainted with him.

MR. TAVENNER. Did James Zarichny request you to become a member of the Communist Party at Michigan State College?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. Would you state that question again, please?

MR. CLARDY. Read it, Mr. Reporter.

MR. TAVENNER. Read the question, please.

(The reporter read the question as follows:)

Did James Zarichny request you to become a member of the Communist Party at Michigan State College?

MR. BIRDSALL. Well, it wasn't at Michigan State College that he requested it, made the request.

MR. TAVENNER. Well, will you give us the facts, please?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. TAVENNER. Excuse me a minute.

Possibly I can help you some with that.

Were you a student at Michigan State College at the time that James Zarichny spoke to you about becoming a member?

That will help to clarify it.

MR. BIRDSALL. No. Actually, I wouldn't say I was.

MR. TAVENNER. Well, suppose, then, you give us in your own way the facts, the full facts, regarding James Zarichny's effort to recruit you in the Communist Party?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. I don't clearly understand this question. I mean some things are kind of hard to explain here.

MR. CLARDY. Let me put a question to him, Mr. Tavenner.

Suppose you tell the conditions and the situation under which you were brought into the party.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. I will have to invoke the fifth amendment on that, sir.

MR. CLARDY. You don't have to do anything of the kind.

MR. BIRDSALL. Well, I wish to.

MR. CLARDY. The question is: Are you going to refuse to answer on the ground of the fifth amendment?

MR. BIRDSALL. Yes, sir.

MR. CLARDY. Let's put it a little more directly: Did you become a member of the Communist Party?

MR. BIRDSALL. I will have to give the same answer for the same reason.

MR. CLARDY. Oh, you don't have to do anything of the kind.

MR. BIRDSALL. Well, I request to.

MR. CLARDY. You better say it directly, if you want the protection of the amendment.

You knew Jimmy Zarichny; didn't you?

Mr. BIRDSALL. I was acquainted with him. I have already answered that.

Mr. CLARDY. Yes.

And where was it you became acquainted with him?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. Yes, I was acquainted with him at Michigan State College?

Mr. CLARDY. Was that where you first became acquainted with him?

Mr. BIRDSALL. Yes.

Mr. CLARDY. But, as I understood your prior answer, you were uncertain as to whether you were or were not a student there at that time?

Mr. BIRDSALL. At what time?

Mr. CLARDY. At the time you became acquainted with Jimmy Zarichny.

Mr. BIRDSALL. I was a student there when I became acquainted with him.

Mr. CLARDY. Was the uncertainty whether he was a student?

Mr. BIRDSALL. No; we were both students.

Mr. CLARDY. What year was that, now?

Mr. BIRDSALL. That was the summer of 1946.

Mr. SCHERER. Do you know where he is now?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. No. I can't say I'm sure at this moment where he is, or even in the last few months.

Mr. SCHERER. When was the last time you saw him?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. The last time I saw him was at the hearings last May in Flint.

Mr. CLARDY. You were there?

Mr. BIRDSALL. Yes.

Mr. SCHERER. Is he a member of the party?

Mr. BIRDSALL. Who?

Mr. SCHERER. This man whose name I can't pronounce.

Mr. WALTER. Zarichny.

Mr. BIRDSALL. He used to live there at my hometown in college. He was in the papers all the time, in one way or another.

Mr. TAVENNER. Mr. Scherer, the spelling is: Z-a-r-i-c-h-n-y.

Mr. WALTER. That is right.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. Is that in the present tense? You mean the present, whether he is a member or not?

Mr. SCHERER. Well, I will ask you whether you know he is a member of the party today.

Mr. BIRDSALL. I don't know.

Mr. SCHERER. Did you ever know him to be a member of the party?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. I request to invoke the fifth amendment on that question.

Mr. SCHERER. Now, I ask that you direct the witness to answer.

He can only invoke the fifth amendment as it pertains to himself.

Mr. CLARDY. Yes, I direct that you answer that.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. SCHERER. Witness, you can't invoke the fifth amendment to protect someone else.

You can try.

The fifth amendment provides against self-incrimination.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. I still request to invoke the fifth amendment on that question.

Mr. CLARDY. To your knowledge, was Zarichny a member of the party when you were with him at the Flint hearing?

Mr. BIRDSALL. I don't know. I didn't ask him.

Mr. CLARDY. Were you a member at that time?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. CLARDY. You didn't have to ask him about that.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. In a democratic country, sir, I don't believe government committees should go around and go into people's political beliefs or affairs, but I will answer that question, although I don't like to particularly.

I was not a member of the Communist Party at that time.

Mr. CLARDY. When did you relinquish your membership?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. I request to invoke the fifth amendment on that question.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. TAVENNER. As a matter of fact, Mr. Birdsall, weren't you expelled from the Communist Party either immediately prior to or during the hearings in Michigan because the Communist Party thought you were going to talk to the committee?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. No.

Mr. CLARDY. That didn't have anything to do with it at all?

Mr. BIRDSALL. What?

Mr. CLARDY. That didn't have anything to do with your expulsion from the party?

Mr. BIRDSALL. Not to my knowledge.

Mr. WALTER. Then why were you expelled?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. SCHERER. Mr. Reporter, your record doesn't show these prolonged conversations between counsel and the witness, does it?

The REPORTER. Just the fact that there is a conference.

Mr. SCHERER. It does show conference?

The REPORTER. Yes, sir.

Mr. CLARDY. When they go longer than a minute, put the word "long" in there.

Mr. WALTER. Or "prolonged."

Mr. CLARDY. That would be better.

If you overhear any of the conference, don't put that in the record.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. BIRDSALL. I have not said, sir, I was expelled.

Mr. SCHERER. Were you expelled?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

Mr. WALTER. Why do you have to look to your lawyer for the answer to that one?

You know better than he does on that, don't you?

MR. BIRDSALL. I want to be sure on the question of waiver and such as that.

I don't wish to be put in the position where I would have to give information regarding other people.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. Not to my knowledge.

MR. SCHIERER. How was your membership terminated from the Communist Party?

If it wasn't by expulsion, how was it terminated?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. I request to invoke the fifth amendment on that question.

MR. CLARDY. Witness, may I get at that a little differently?

Isn't it a fact that while the committee was in Flint you did, at least for a brief period, entertain the idea of cooperating fully with this committee and disclosing to us such information as you might have about Communist Party activities in Flint?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. CLARDY. So you may understand what I am getting at, that was brought to my attention because I was chairman of the subcommittee, and I am sure the source of information that brought it to me was not fooling me or kidding me at all.

I wish you would adhere to that. So, I am asking you if it isn't a fact that you did entertain the idea of doing just that.

MR. BIRDSALL. Could you possibly give me the source of this information?

MR. CLARDY. Never mind. I am asking you the question. The original source was yourself, sir.

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. BIRDSALL. Sir, in what sense, do you mean cooperation?

I believe I am cooperating today. I came here all the way from Michigan. I have spent my own money—not in getting here, but for food and lodging while I have been here, and lawyers' fees and loss of work at the shop.

It has cost me, I estimated last night, around \$510.

Just what do you mean by cooperating?

MR. CLARDY. Answering questions having to do with the safety of your nation. That is what I have in mind.

I ask you this: If this committee should offer you, as it did another witness yesterday, immunity under the recently enacted statute, from any probable prosecution, would you then reveal to the committee all that you know about the Communist conspiracy in the area where you do have some knowledge and acquaintanceship with it?

(At this point Mr. Birdsall conferred with Mr. Wistrand.)

MR. SCHIERER. Now, just a minute. I assume counsel understands the rules of the committee, that the witness is permitted counsel by the committee for the purpose of advising as to his legal rights, and that extent only, and the answers to the factual matters must come from the witness himself.

MR. BIRDSALL. Well, sir, during World War II I was in the Marine Corps, in the invasion of Guam and Iwo Jima.

I went through quite a bit there. I don't believe too many people have done much more for their country than I have, and certainly not

to my knowledge have I ever advocated the overthrow of the Government by force and violence, and belonged to any organization that did, that is, not to my knowledge, and I can't say, in view of my wife and two small children, at this time just what I would do under those circumstances.

Mr. CLARDY. Were you ever at any time a member of the Communist Party?

Now, there is the acid test.

Mr. BIRDSALL. I will have to invoke the fifth amendment on that, sir.

Mr. CLARDY. You don't have to, but you are doing so?

Mr. BIRDSALL. Yes.

Mr. SCHERER. Witness, I am convinced you want to cooperate with the committee and tell us what you know about the activities of the Communist Party in the Michigan area. Let me ask you this:

Were any threats made by anyone that caused you to change your mind?

Are you under any fear of what might happen if you told this committee what you know about the Communist conspiracy?

Mr. BIRDSALL. The first part of your question—I don't want to cooperate with this committee. I don't believe in the field in which it is investigating. I don't believe in some of the methods that it has taken, and there has never been any threats to me as to whether I should cooperate fully or not, or what I should do regarding this committee.

Mr. CLARDY. Mr. Tavenner, do you have any more questions?

I think that attitude on the part of the witness ought to pretty well wind him up.

He does not believe in any investigation into communism.

What further do you have?

Mr. TAVENNER. I think I will not ask him any other questions, Mr. Chairman.

Mr. SCHERER. I was wrong in believing he wanted to cooperate.

Mr. CLARDY. So was I.

Mr. SCHERER. I have no further questions.

Mr. CLARDY. Did you say you had some more questions?

Mr. TAVENNER. No, sir.

Mr. CLARDY. I thought you said you had one or two.

I misunderstood you.

Do you have any questions, Congressman Walter?

Mr. WALTER. No questions.

Mr. CLARDY. In dismissing you, witness, I think I should say the last answer you gave is not only a disappointment to me, and I am sure to the committee, but it indicates the wrong kind of thinking that you better get out of your head.

If you think that the Communist conspiracy offers no danger to you and your family and your nation, then you are certainly so far wrong I am afraid there is no possibility of salvaging you.

I thought there was.

Witness dismissed.

Call your next witness.

Mr. TAVENNER. Do you want to take a recess?

Mr. CLARDY. We will take a 5-minute recess.

(Whereupon, at 3:20 p. m., the hearing was recessed, to reconvene at 3:25 p. m.)

(The hearing reconvened at 3:35 p. m., the following committee members being present: Representatives Kit Clardy (presiding) and Gordon H. Scherer.)

Mr. CLARDY. The committee will be in session.

Call your next witness, Mr. Tavenner.

Mr. TAVENNER. Mr. Ralph Fileccia—F-i-l-e-c-c-i-a—will you come forward, please?

Mr. CLARDY. Hold up your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FILECCIA. I do.

Mr. CLARDY. Be seated.

Counsel will identify himself.

Mr. RAUH. Joseph L. Rauh—R-a-u-h—Jr., 1631 K Street, Washington, D. C.

Mr. CLARDY. Proceed, Mr. Tavenner.

TESTIMONY OF RALPH FILECCIA, ACCOMPANIED BY HIS COUNSEL, JOSEPH L. RAUH, JR.

Mr. TAVENNER. What is your name, please, sir?

Mr. FILECCIA. Ralph Fileccia.

Mr. TAVENNER. Where and when were you born, Mr. Fileccia?

Mr. FILECCIA. Born in the State of Alabama, April 23, 1914.

Mr. TAVENNER. Where do you now reside?

Mr. FILECCIA. City of Detroit.

Mr. TAVENNER. How long have you lived in Detroit?

Mr. FILECCIA. Approximately—it was either in January—it was either in December of 1933 or January of 1934.

Mr. TAVENNER. What is the nature of your employment?

Mr. FILECCIA. I am on leave of absence from the Plymouth plant of the Chrysler Corp.

I am now employed by local 51 of the UAW.

Mr. TAVENNER. How long have you been employed by local 51, UAW?

Mr. FILECCIA. I believe it was in June of this year.

Mr. CLARDY. What is the headquarters of local 51? Detroit?

Mr. FILECCIA. Yes.

Mr. CLARDY. And you are employed by them in what capacity?

Mr. FILECCIA. I'm the political action director for the local union and educational director, and community service director.

Mr. CLARDY. Just what does this local 51 embrace?

Mr. FILECCIA. It embraces just the plant itself, the Plymouth Motor Car Co.

Mr. CLARDY. Just the one plant?

Mr. FILECCIA. Yes.

Mr. TAVENNER. What other positions have you held in your local union, that is, local 51, UAW, and when?

Mr. FILECCIA. I'll try to give you the answers, because they go back many years.

Since either in late '37 or early '38, from that time until approximately 1949, or '50, I was the chief steward in the Plymouth plant.

I was a trustee in that period. I was also a vice president of the local union in that period.

Mr. TAVENNER. When were you vice president?

Mr. FILECCIA. I'm not sure of the dates, but I believe they were in the period of '49 and '50.

Mr. TAVENNER. What positions did you hold between 1950 and the time you took your present position in June of 1954?

Mr. FILECCIA. As I told you, I was a chief steward until 1949 or 1950.

I believe it was 1950, and I believe in 1952 and 1953 I was a plant committeeman—what they call a plant committeeman.

Mr. TAVENNER. In 1951 what position did you hold?

Mr. FILECCIA. If I'm right on my dates, I held no official position.

Mr. TAVENNER. Will you tell the committee, please, briefly, what your formal educational training has been?

Mr. FILECCIA. I attended grade schools in the State of Illinois to approximately the sixth grade, and I almost completed, I'd say, the 11th grade in high school in the city of Iron Mountain, Mich.

Mr. TAVENNER. Mr. Fileccia, are you now a member of the Communist Party?

Mr. FILECCIA. No.

Mr. TAVENNER. I want to present to you certain activities which our investigation showed that you have engaged in at one time or another and base some questions upon that.

I have before me a copy of the August 31, 1947, issue of the Michigan Herald, which was a Communist organ, and which shows that a number of persons united in an endorsement of that paper at that time.

Among them appears your name—Ralph Fileccia, vice president, local 51.

I want you to examine it, only for the purpose of showing you the nature of the endorsement.

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. TAVENNER. Now, the question I want to ask you is: Were you a member of the Communist Party on the date of the issuance of that document?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. Mr. Chairman, at this point, I would like to use the privileges of the fifth amendment.

Mr. TAVENNER. I hand you an issue of May 1, 1949, of the Michigan Worker, and call your attention to an article entitled, "Thirty-five UAW Leaders Hit Atlantic War Pact," in which it is stated there would be 100,000 copies made for plant gate distribution.

Among those endorsing it, you will see the name Ralph Fileccia.

Will you point out the article and the name to Mr. Fileccia?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. TAVENNER. My question to you is: Were you a member of the Communist Party at the time of the issuance of that article?

Mr. FILECCIA. My answer to that question is I do not care to answer because of the possible self-incrimination.

Mr. TAVENNER. I hand you now the June 6, 1949, issue of the Daily Worker, which carries an article entitled, "Fight Medina's Police State Plan, Michigan Leaders Urge."

It is an article written by William Allan.

In the course of the article appears a paragraph, which begins: "Ralph Fileccia, vice president, Plymouth Local 51, UAW," and proceeds to quote what you have to say about it.

Will you examine it, please, and state whether at that date, which was June 6, 1949, you were a member of the Communist Party?

Mr. FILECCIA. Same answer; same reason.

Mr. TAVENNER. On June 19, 1949, according to the Michigan Worker, a Communist publication, there is an article entitled, "Michiganders Hit Jailing of Three Communists."

There is an article that appears there, and Ralph Fileccia, vice president of Plymouth Local 51 is quoted again.

Will you examine that and state whether or not you were a member of the Communist Party when that paper was issued?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. What was the date again, sir?

Mr. TAVENNER. June 19.

Mr. FILECCIA. Same answer; same reason.

Mr. TAVENNER. On August 24, 1952, issue of the Michigan edition of the Worker, a Communist newspaper organ, there is an article entitled, "Negro Labor Unity for Peace; Civil Rights PP Them," meaning Progressive Party, I assume.

In the course of that article Ralph Fileccia, UAW leader, is again referred to as a participating party.

Will you examine it and state whether on August 24, 1952, you were a member of the Communist Party?

(At this point, Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. To my knowledge, no.

Mr. TAVENNER. You were not in August 1952.

You will not answer as to whether or not you were a member on June 19, 1949?

Mr. FILECCIA. I gave an answer before.

Mr. TAVENNER. At what date between June 19, 1949, and August 24, 1952, was it that you ceased to be a member of the Communist Party?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. To my knowledge, as I recall, I have not been a member since 1950, that I can recall. But I plead the privilege on any other questions prior to that time.

Mr. TAVENNER. On what date in 1950?

Mr. FILECCIA. I will have to plead the privilege.

Mr. TAVENNER. Were you not vice president of your local 51 in 1949?

Mr. FILECCIA. I thought I said it was 1949 and 1950. I'm not sure of the year involved.

Mr. TAVENNER. All of these articles that I have referred to you as the vice president of local 51 in 1949.

Mr. FILECCIA. But I am not clear of the dates. I believe I was in 1949 and 1950.

Mr. TAVENNER. Did you sign a non-Communist affidavit when you were vice president of local 51?

Mr. FILECCIA. No; I did not.

Mr. TAVENNER. Did you refuse to sign it?

Mr. FILECCIA. No; I did not.

Mr. TAVENNER. Did your local take any action toward having its officers sign the non-Communist affidavit?

Mr. FILECCIA. As close as I can remember, they took action after my term in office, some year or so after.

Mr. TAVENNER. But while you were an officer, it had not taken action to sign it?

Mr. FILECCIA. No; there was no action taken to sign it.

Mr. TAVENNER. Bereniece Baldwin has testified before this committee in Detroit, in May 1954. She was dues secretary of the Communist Party for many years in Detroit, according to her testimony, and had entered the Communist Party at the request of the Federal Bureau of Investigation.

Are you acquainted with her?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. I will have to plead the same as I did on other similar questions.

Mr. TAVENNER. During the course of her testimony she was asked what knowledge she had of the club of the Communist Party known as the Plymouth Club. Her reply was:

Yes; there was, and that was the Communist Party members within the Plymouth Local.

It was the Plymouth Local of which you were an officer and had been a member for many years, was it not?

Mr. FILECCIA. I have been a member of that local union since its inception.

Mr. TAVENNER. Now—

Question. Will you give us the names of the officers of that club, please?

That is the club of the Communist Party.

Mrs. BALDWIN. In 1945 and 1946 Ralph Fileccia was chairman—and then she proceeds to describe others.

Was her testimony true or false insofar as it related to you?

Mr. FILECCIA. Mr. Tavenner, again I will have to or want to use the privilege of the possible self-incrimination.

Mr. TAVENNER. Have you been affiliated in any manner with the Communist Party since you took office in June of 1954, your present office?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. To my knowledge, no.

Mr. TAVENNER. I believe you told us in 1951 you held no position in your union.

Mr. FILECCIA. It was 1951 or 1952. I am not sure of the year. There was 1 year—

Mr. TAVENNER. What was the position you held in your union prior to your present position?

Mr. FILECCIA. I was a plant committeeman.

Mr. TAVENNER. Were you affiliated with the Communist Party at any time while you were plant committeeman?

Mr. FILECCIA. No.

Mr. TAVENNER. And then the office that you held prior to that time was vice president, was it not?

Mr. FILECCIA. Yes.

MR. TAVENNER. Were you a member of the Communist Party at any time while you were vice president of your local?

MR. FILECCIA. At this point I will plead the privilege of the fifth amendment.

MR. TAVENNER. Now, that leads me to this question: Did your relinquishing the job or position of vice president of your union have anything to do with your dropping out of the Communist Party?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

MR. FILECCIA. Mr. Tavenner, I was defeated in an election for that position.

MR. TAVENNER. Have you been a member of the Communist Party at any time since you were defeated for election?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

MR. FILECCIA. I am not clear of the dates of the election. I don't recall.

MR. TAVENNER. Well, what incident occurred which you can refer us to as being the time when you can tell this committee under oath that you were not a member of the Communist Party?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

MR. FILECCIA. Mr. Tavenner, I think I tried to point out since some time in 1950, early part of 1950, through there, and I can't testify any—

MR. TAVENNER. It is important to the committee to know in your instance, you as a prominent member and leader in labor, as in many other instances with other people, what it is that brought you, brought about your break from communism.

(At this point Mr. Fileccia conferred with Mr. Rauh.)

MR. TAVENNER. May I add another statement before you answer the question?

Not only is it important to the committee, it is important to you because it may furnish a test as to whether or not you are testifying now in all sincerity and good faith on that subject.

MR. FILECCIA. First of all, Mr. Tavenner, I think the question, as you posed it, in my opinion, is not a fair question.

MR. TAVENNER. It is quite a practical and logical question in the light of your testimony.

(At this point, Mr. Fileccia conferred with Mr. Rauh.)

MR. FILECCIA. I'll have to refresh my memory a little bit. I don't believe at any point I testified to being a member of the Communist Party, and I think in previous testimony that I did say—I talked about somewhere early in 1950.

I think that should answer your question.

MR. CLARDY. Witness, we are trying to ascertain what it was that caused the break, if there was a break, with the Communist Party.

MR. FILECCIA. I have never admitted at any time being—

MR. CLARDY. Were you at any time a member of the Communist Party?

MR. FILECCIA. I will refuse to answer that question on the ground of possible self-incrimination.

MR. CLARDY. That means to me you were either a member of the party at some time or there is something wrong in the processes by which you reach that conclusion.

So I will ask this: What was it that took place in 1950—

Mr. FILECCIA. I don't know why you presume guilt by the type of question you ask; in the first place——

Mr. CLARDY. Never mind. I am asking a question.

What took place in 1950 that caused you to make some sort of an announcement or statement to your union or to your union officers that you were not a member of the Communist Party.

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. Congressman, I at this point will again plead possible self-incrimination.

Mr. CLARDY. I will ask you the question:

Did there not come a time when you did make an announcement or pronouncement or statement of some kind that you were not a member of the Communist Party?

Mr. FILECCIA. I will have to give you the same answer, Mr. Clardy.

Mr. CLARDY. Are you today in any way associated with any branch or arm of the Communist Party?

Mr. FILECCIA. To my knowledge, no.

Mr. CLARDY. What do you mean, "To your knowledge"?

Mr. FILECCIA. Well, there might be a lot of things that could come up later that might be construed as such.

I am not affiliated in any way with any arm or section of the Communist Party.

Mr. CLARDY. Are you a subscriber to or do you purchase the Daily Worker?

Mr. FILECCIA. I do not directly. We get it in the local union for educational purposes.

Mr. CLARDY. Do you copy material from that and use it in the work that you perform for your union?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. If it is going to be used for ridicule, perhaps. I have not seen any material used from the Worker or any other of that type of paper in any of our publications.

Mr. CLARDY. Would you tell us whether or not the position that you have taken in the writings in your work, in your paper, in any way parallels that of the Daily Worker?

Mr. FILECCIA. I think that is an unfair question. There are times maybe they could parallel, but the intent was not to make them the same.

There are times that they could parallel.

Mr. CLARDY. Pure coincidence?

Mr. FILECCIA. That's right.

Mr. CLARDY. How many times would you say it parallels——

Mr. FILECCIA. I don't know that it's ever happened.

Mr. CLARDY. You are not sure?

Mr. FILECCIA. No. I don't know that it's ever happened.

Mr. CLARDY. And at no time, then, have you ever made any public announcement that you were not a member of the Communist Party; is that correct?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. I'm not clear on that question.

Mr. CLARDY. I will put it another way.

Have you ever at any time made a public pronouncement to the effect that you are not a member of the Communist Party?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. I believe I did just a few minutes ago.

Mr. CLARDY. You did what?

Mr. FILECCIA. Make a pronouncement.

Mr. CLARDY. I am talking about prior to this hearing.

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. I have been asked on occasion maybe in the last year or so, and I have denied it.

Mr. CLARDY. Prior to that time were you asked the same question and denied it?

Mr. FILECCIA. I don't recall being asked.

Mr. CLARDY. Has the question ever arisen in connection with your being promoted or given the position you now have in the union?

(At this point Mr. Fileccia conferred with Mr. Rauh.)

Mr. FILECCIA. There were several people questioned when I was placed in my present position.

Mr. CLARDY. When was that? In 1950?

Mr. FILECCIA. No; this year.

Mr. CLARDY. I beg your pardon. It was.

Do you have any further questions, Mr. Tavenner?

Mr. TAVENNER. No, sir.

Mr. CLARDY. Mr. Scherer.

Mr. SCHERER. No questions.

Mr. CLARDY. Mr. Walter.

Mr. WALTER. No questions.

Mr. CLARDY. Witness dismissed.

Mr. TAVENNER. Mrs. Shirley Foster.

Mr. CLARDY. Hold up your right hand, please.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. FOSTER. Yes, sir.

Mr. CLARDY. You may be seated.

Counsel will identify himself, please.

Mr. WISTRAND. Bruce Wistrand.

Mrs. FOSTER. I would like to request that no more pictures be taken. I object to that photograph.

Mr. CLARDY. Witness, after the testimony begins, no further pictures will be taken.

The press has some rights and we do not intend to take from them the right to take pictures of people who appear before us.

TESTIMONY OF MRS. SHIRLEY FOSTER, ACCOMPANIED BY HER COUNSEL, BRUCE WISTRAND

Mr. TAVENNER. What is your name, please?

Mrs. FOSTER. I'm sorry, I can't see you yet. Mr. name is Shirley Foster.

Mr. TAVENNER. When and where were you born, Mrs. Foster?

Mrs. FOSTER. I was born on a farm in the State of Michigan.

Mr. TAVENNER. What part of Michigan?

Mrs. FOSTER. Saginaw County.

Mr. CLARDY. Whereabouts in Saginaw County?

Mrs. FOSTER. On a farm. It was not at any city, not at any town.

Mr. CLARDY. Well, I am slightly familiar with Michigan geography. I would like to have you identify it.

Mrs. FOSTER. It was in DeVorsev Township, if that helps you.

Mr. CLARDY. On what highway, what trunk highway?

Mrs. FOSTER. It wasn't on a State trunkline. It wasn't numbered or named. I don't believe it is today.

Mr. CLARDY. What small town are you near?

Mrs. FOSTER. I am near the small town of Freeland.

Mr. CLARDY. Thank you. Will you tell the committee briefly what your educational background and training has been?

Mrs. FOSTER. I was educated through the grade school, high school, and a graduate of the University of Michigan, with a bachelor of arts and master of arts degree.

Mr. CLARDY. When was that?

Mrs. FOSTER. I received my bachelor of arts degree in 1930 and my master of arts degree in 1931.

Mr. TAVENNER. In what field did you specialize or did you take your master's degree?

Mrs. FOSTER. I took my master's degree in the field of rhetoric, which is a branch of the English department.

Mr. TAVENNER. In education, you might say; in education?

Mrs. FOSTER. It was not the school of education. It was the College of Literature, Science and the Arts.

Mr. TAVENNER. Was that course you took special preparation for entering into the teacher profession?

Mrs. FOSTER. It was additional training for the teaching profession.

Mr. TAVENNER. Have you engaged in the teaching profession?

Mrs. FOSTER. Yes.

Mr. TAVENNER. Will you tell the committee, please, when and where?

Mrs. FOSTER. I have been a public school teacher in the State of Michigan, at Flint, Mich., for 11½ years continuous service.

Mr. TAVENNER. Are you so engaged now?

Mrs. FOSTER. No, sir.

Mr. TAVENNER. When were you last engaged in teaching at Flint?

Mrs. FOSTER. My last contract ended in the year 1943.

Mr. TAVENNER. How have you been employed since 1943?

Mrs. FOSTER. Only occasionally, for fill-in or substitution jobs, only when the request was made because there was a considerable lack of substitutes and of teachers.

Mr. TAVENNER. Were you at any time limited in your right to teach at Flint on the basis of former Communist Party membership?

(Mrs. Foster at this point conferred with Mr. Wistrand.)

Mrs. FOSTER. I have no knowledge that I was, sir. I have taught continuously in that period.

Mr. TAVENNER. Were you discharged at any time from teaching or your request for a position denied?

Mrs. FOSTER. My contract was delayed at one time, but it was never denied, to my knowledge.

Mr. TAVENNER. After it was delayed, was it issued?

Mrs. FOSTER. Yes, sir.

Mr. TAVENNER. When was that?

Mrs. FOSTER. In the year 1937.

However, no issue of communism or political belief or anything else of that nature was raised.

Mr. TAVENNER. Were you a member of the Communist Party at any time while you were engaged in teaching in the State of Michigan? (At this point Mrs. Foster conferred with Mr. Wistrand.)

Mrs. FOSTER. Would you repeat that, please, the way you have it worded?

Mr. TAVENNER. I will change my question.

You stated you taught 11½ years regularly up until 1943 and since that time you have been engaged intermittently in supply work, in teaching.

Now, since 1943, while you have been engaged in intermittent teaching, in the nature of supply work, have you been a member of the Communist Party?

Mrs. FOSTER. Mr. Tavenner, when you ask me that question, you, first of all, are making a question which, if I should answer it, either way, would open up the discussion of people, because people have been brought up and discussed in the area in which I live before this committee.

In addition to that, let me say, with the utmost sincerity—I took an oath in my teaching profession to support the Constitution of the United States.

I took it sincerely and have never deviated from it.

Not only that, I had no—either occasion or interest in deviating from it, either before or after.

I have always been committed to the teaching of democracy in the public schools of the United States, in the support of democracy, in the full application of the term within the school system.

There is no evidence that could be found, no honest, true evidence to the contrary; and that will have to be my answer.

Mr. CLARDY. Well, that isn't an answer at all.

He asked you a direct question.

Will you repeat it, Mr. Tavenner?

Mr. TAVENNER. Will the reporter read it, please?

(The reporter read the question, as follows:)

You stated you taught 11½ years regularly up until 1943 and since that time you have been engaged intermittently in supply work, in teaching. Now, since 1943, while you have been engaged in intermittent teaching, in the nature of supply work, have you been a member of the Communist Party?

Mrs. FOSTER. I gave you my reasons.

I place my faith in the protection of the United States Constitution, which I have always supported, and still support, and which I believe this committee is violating. I place my faith in that, and my answer will have to be protected by the fifth amendment, and I invoke the fifth amendment to this.

Mr. WALTER. In other words, you decline to answer the question of whether or not you have been a member of the Communist Party while you have been a schoolteacher on the grounds that to answer the question might tend to incriminate you?

Mrs. FOSTER. To answer the question would imply——

Mr. WALTER. Is that correct?

Is my understanding correct?

Mr. FOSTER. If you mean by incriminating me, sir——

Mr. WALTER. What do you mean by it?

You are the one who raised the question.

Mrs. FOSTER. I mean it would tie me—I mean it might tie me—let me correct it—because of associations and because of——

Mr. WALTER. It might tie you to what?

Mrs. FOSTER. It might tie me to——

Mr. WALTER. Moscow?

Mrs. FOSTER. Absolutely not.

I have a loyalty to my own people and to my own Government.

I have a faith in democracy and I have a faith in the people of the United States.

I have a great respect for them.

I believe in the functioning of democracy.

When you ask me that——

Mr. WALTER. You haven't been teaching the children that we live in a democracy; have you?

Mrs. FOSTER. Are you telling me that we do not?

Mr. WALTER. Why, of course I am. It was never intended that this be a democracy. This is a republic.

Mr. CLARDY. And there is a vast difference. Which have you been teaching?

Mrs. FOSTER. Are you opposing democracy, sir?

Mr. WALTER. Well, all right. Go ahead. Let it go.

Mr. CLARDY. I want to ask her a question.

Are you in any way apprehensive that an honest answer to the question propounded by counsel would in some fashion or other incriminate you?

Mrs. FOSTER. There have been placed on the statutes laws which many people regard as vague in their structure and uncertain in their meaning.

Mr. CLARDY. We are not interested in many people. We are interested only in you and what your apprehensions may be, and that is all my question embraced.

Mrs. FOSTER. I agree with those people that that legislation is vague and uncertain in its meaning.

Mr. CLARDY. What legislation are you referring to?

(At this point Mrs. Foster conferred with Mr. Wistrand.)

Mrs. FOSTER. I have said I believe myself to be guilty of nothing.

I have invoked the fifth amendment and I stand on it.

Mr. CLARDY. Well, my question was, because you mentioned it and opened the door by so doing: What are the statutes about which you complain and which you fear may be applied to you in a way that will cause you to suffer some pains and punishment?

Mrs. FOSTER. Sir, I am not a lawyer.

Mr. CLARDY. Then, how do you know that there are such?

(At this point Mrs. Foster conferred with Mr. Wistrand.)

Mrs. FOSTER. On advice of counsel——

Mr. CLARDY. Has he given you the identification of any statute that would in some way endanger your freedom if you answered that question?

(At this point Mrs. Foster conferred with Mr. Wistrand.)

Mrs. FOSTER. I need not exchange with you my conversations with my attorney.

Mr. CLARDY. Well, let the matter pass.

It is quite obvious you a very confused person and do not know what you are talking about.

Will you proceed, Mr. Tavenner?

Anyone who doesn't know—a schoolteacher who doesn't know—the difference between a democracy and a republic, I can understand why you may be confused about the laws of the country.

Any more questions, Mr. Tavenner?

Mr. TAVENNER. Were you acquainted with a person by the name of Bereniece Baldwin, who was dues secretary of the Communist Party for the State of Michigan?

(At this point Mrs. Foster conferred with Mr. Wistrand.)

Mrs. FOSTER. I am not, sir.

Mr. TAVENNER. Were you acquainted with Mildred Pierce?

Mrs. FOSTER. No, sir.

Mr. TAVENNER. Whose real name is Mildred Pearlstein?

Mrs. FOSTER. No, sir.

Mr. TAVENNER. Mrs. Baldwin, who kept the records for the entire State of Michigan, of the various officials of the Communist Party throughout the State, testified before this committee on May 7, 1954, and she described the organizational setup of the Communist Party at Flint, Mich.

She stated that Sylvia Brant, Joe Brant's wife, was the financial secretary at Flint.

Were you acquainted with Sylvia Brant?

Mrs. FOSTER. Sir, I have lived long enough to have known quite a few people or met quite a few people. There are a great many different degrees of knowing people.

There are ways of hearing of people also. However, to any degree, lesser or greater, I refuse to discuss them, and I stand on the privilege of the fifth amendment.

Mr. TAVENNER. In other words, you will not give this committee any information which would identify her as financial secretary of the Communist Party?

Mrs. FOSTER. I stand on the grounds given.

Mr. TAVENNER. Continuing with Mrs. Baldwin's testimony—

Mr. CLARDY. Mr. Tavenner—

Mr. TAVENNER. Yes, sir?

Mr. CLARDY. May we help her a little bit?

Perhaps she knew her under her nickname of Toby Baldwin.

Did you ever hear of that person?

Mrs. FOSTER. I don't know her. I never have known her—to my knowledge—not to my knowledge.

Mr. CLARDY. Did you ever know the name Berenice Baldwin?

Mrs. FOSTER. I have run into, across the path of a great many people, but I do not know, I have no knowledge of that person myself.

Mr. CLARDY. Go ahead.

Mr. TAVENNER. Did you receive a communication from her at any time?

Mrs. FOSTER. Not to my knowledge, sir.

Mr. TAVENNER. You mean you are uncertain in your memory as to whether or not you did?

Mrs. FOSTER. Well, as good as my memory is, I remember none.

Mr. TAVENNER. Continuing with the testimony of Mrs. Baldwin, Shirley Foster was the educational chairman of the Communist Party at Flint.

Now, were you the educational chairman of the Communist Party at Flint?

Mrs. FOSTER. I stand on the rights of the first amendment, of freedom of association, press, and speech, and also on the fifth amendment, in my refusal to answer.

Mr. TAVENNER. Did you engage in any activity within what are termed "front organizations" at the insistence of the Communist Party in Flint, or at the request of the Communist Party?

Mrs. FOSTER. Sir, any actions I have ever taken I have taken by my own decision. I am responsible for myself and to myself, but nobody else.

Mr. TAVENNER. I am not asking to whom you may be responsible. I am asking if Communist members weren't assigned to various Communist-front organizations and you as a member of the Communist Party were so assigned.

Mrs. FOSTER. Sir, that is a leading question and I stand on my rights of the fifth amendment and refuse to discuss it.

Mr. TAVENNER. Were you president of the Progressive Party at Flint, or chairman, whichever you may term it?

Mrs. FOSTER. I believe, sir, you can find what public information you like about that subject. I refuse to discuss it.

Mr. SCHERER. Mr. Chairman, I ask that you direct the witness to answer that question.

Mr. CLARDY. The Chair so directs.

Mrs. FOSTER. I refuse, sir, on the basis of the fifth amendment because I believe there is an intent to identify either people or purposes which are not necessarily true.

I refuse to discuss them and I stand on the basis of the fifth amendment.

Mr. TAVENNER. Let me ask you if you have any knowledge of the subject of this testimony: This is a question which I asked a witness:

The committee has received evidence indicating that the Communists were not successful on a national scale in infiltrating the NAACP. They were generally unsuccessful. Was this true of the Flint area?

The witness replied:

I would say in Flint they were generally successful.

Question. Will you tell the committee on what you base your statement?

The WITNESS. There were certain people assigned to work within the NAACP. Everyone that was a Progressive was instructed to join the NAACP, but there were certain individuals assigned to work within the youth groups of the NAACP. These people were Louis Baxter, Dorothy Moscon, Geneva Olmsted Borod, and Mary Olmsted Borod, and other members of the Progressive Party, such as Morton Leitson—L-e-i-t-s-o-n—and Hanny Leitson; and Barry Blassingame, Shirley Foster, and Howard Foster, Chuck Shinn—S-h-i-n-n.

All of the Communists were instructed to be very active in the NAACP and to support its program.

At meetings they would very often introduce resolutions that were to further the Communist aims and very often they were successful.

Mrs. FOSTER. Sir, I have never been a part of any conspiracy or any infiltration.

Mr. TAVENNER. Were you a member of the NAACP?

Mrs. FOSTER. I have been a member of the NAACP because I believe in—

Mr. WALTER. He didn't ask you why. The answer is "Yes." Go on and ask the next question.

Mrs. FOSTER. I am very proud of it, sir.

Mr. TAVENNER. Were you requested by the Communist Party to become a member of it and exert any influence in that organization in behalf of the Communist Party?

Mrs. FOSTER. Mr. Tavenner, during the war my husband was stationed in the South. I went to the South to visit him.

Mr. TAVENNER. That is not an answer.

Mrs. FOSTER. It is, sir.

Mr. TAVENNER. That is not responsive to my question.

Mrs. FOSTER. It is, sir.

Mr. CLARDY. The hour is late, and you are digressing. I direct you to answer the question and answer it to the point.

Mrs. FOSTER. My sentence finishes: In the South I decided to join the NAACP because of the conditions that existed. That was my personal decision, as I said before.

Mr. SCHIERER. Were you a member of the Communist Party at the time you joined the NAACP?

Mrs. FOSTER. I have refused to discuss the Communist Party, and I stand on the fifth amendment.

Mr. CLARDY. Then will you tell me whether or not the Communist Party had anything to do with your joining the NAACP?

Mrs. FOSTER. I explained why I joined it, sir, even though you interrupted me.

Mr. CLARDY. I understand all about that, but I am asking you now whether the Communist Party played any part whatsoever, whether big or little, in the decision to join.

Mrs. FOSTER. I am a principled person. I joined it on my own principles.

Mr. CLARDY. That isn't answering the question.

Did the Communist Party have anything to do with your reaching the decision?

Mrs. FOSTER. When I say I joined it only on my own decision, doesn't that answer you?

Mr. CLARDY. By that, if you mean they had no part in it, yes. Is that what you mean?

Mrs. FOSTER. I don't care how you interpret it. It is a true answer.

Mr. CLARDY. Pass on, Mr. Tavenner. The hour is getting late.

Mr. TAVENNER. The committee has been informed that in 1950 the Communist Party in Flint, as in many other places throughout the United States, was broken into small groups of 4 or 5 persons, for security reasons, and that one of those small groups consisted of Louis Baxter, Jean Baxter, Shirley Foster, Nadine Baxter and possibly 1 or 2 others. Were you a member of any such group?

Mrs. FOSTER. I repeat—as I did with all questions concerning the Communist Party—I refuse to answer them and I stand upon the protection of the fifth amendment.

Mr. TAVENNER. May I ask you: Are you now a member of the Communist Party?

Mrs. FOSTER. I stand on the protection of the fifth amendment, as an unfair, unjust question, because you do not ask me: Am I opposed to—do I stand for violence, which, incidentally, my family has endured at the instigation of this committee. I am opposed to force and violence.

Mr. TAVENNER. May I say this to you: Every witness who has taken this stand before this committee and has frankly advised the committee of their experience in the Communist Party has been asked to tell this committee what the circumstances were that led them to make the decision to enter into the Communist Party. Every witness has been asked that question.

You will be given every opportunity—the committee is anxious to know what led you to make such a mistake, if you did, and at the same time the committee will give you an opportunity, as it has every other witness, who has testified on the subject, to tell this committee what led to their decision to get out of the Communist Party, if they got out.

So, you will be given a very wide freedom in discussing those matters, if you answer the question.

Mrs. FOSTER. Sir, this is not a court. Anybody can call anybody a Communist. To call them so implies certain guilt.

If I am guilty of something, I should be tried.

To call a person a Communist, therefore, when they are not on trial, is to call them a name; it is not to let them stand on their actions, their character, and record.

Mr. TAVENNER. Now, that is where you are entirely wrong.

Mr. CLARDY. May I ask you this: If you were a member of the Communist Party, would you be ashamed to admit it?

Mrs. FOSTER. I refuse to discuss the Communist Party, as I said before.

Mr. CLARDY. I thought you would.

Mrs. FOSTER. For the reasons given.

Mr. CLARDY. Do you have any more, Mr. Tavenner?

Mr. TAVENNER. No, sir; I have no further questions.

Mr. CLARDY. Any questions, any of you gentlemen?

Mr. SCHERER. No questions.

Mr. WALTER. No questions.

Mr. CLARDY. Witness dismissed.

The committee will stand in adjournment until 10 a. m., tomorrow, in this room.

(Whereupon, at 4:50 p. m., the hearing was recessed, to reconvene at 10 a. m. Friday, November 19, 1954.)

INVESTIGATION OF COMMUNIST ACTIVITIES IN THE STATE OF MICHIGAN—PART 12

FRIDAY, NOVEMBER 19, 1954

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF COMMITTEE ON
UN-AMERICAN ACTIVITIES,
Washington, D. C.
PUBLIC HEARING

The subcommittee of the Committee on Un-American Activities met, pursuant to adjournment, at 10:25 a. m., in room 313, Old House Office Building, Hon. Harold H. Velde (chairman) presiding.

Committee members present: Representatives Harold H. Velde (chairman), Kit Clardy, Gordon H. Scherer, and Francis E. Walter.

Staff members present: Frank S. Tavenner, Jr., counsel; Thomas W. Beale, Sr., chief clerk; Raphael I. Nixon, director of research; Donald Appell and Courtney E. Owens, investigators.

Mr. VELDE. The subcommittee will be in order.

Mr. Reporter, let the record show that present are Mr. Clardy, Mr. Scherer, Mr. Walter, and myself as chairman of the subcommittee for the purposes of this hearing.

Mr. Counsel, do you have a witness?

Mr. TAVENNER. Yes, sir; I would like to call this morning Mr. James G. Petroff.

Will you come forward, please, Mr. Petroff?

Mr. VELDE. Will you raise your right hand and be sworn?

In the testimony you are about to give before this subcommittee, do you solemnly swear that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. PETROFF. I do.

TESTIMONY OF JAMES G. PETROFF, ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER

Mr. TAVENNER. State your name, please.

Mr. PETROFF. James Petroff.

Mr. TAVENNER. Do you have a middle initial?

Mr. PETROFF. Yes.

Mr. TAVENNER. What is it?

Mr. PETROFF. G.

Mr. TAVENNER. It is noted that you are accompanied by counsel.

Will counsel please identify himself for the record?

Mr. FORER. Joseph Forer, 711 Fourteenth Street NW., Washington, D. C.

Mr. TAVENNER. When and where were you born, Mr. Petroff?

Mr. PETROFF. I was born in Detroit, April 27, 1928.

Mr. TAVENNER. Where do you now reside?

Mr. PETROFF. I am staying in Detroit, but since I had to come here I just moved out of the hotel.

Mr. TAVENNER. How long have you been living in Detroit?

Mr. PETROFF. Since 1946.

Mr. TAVENNER. Will you give the committee, please, a brief résumé of your formal educational training?

Mr. PETROFF. I went to high school and then I went to—I took up a machine shop course.

Mr. TAVENNER. Where did you attend high school?

Mr. PETROFF. In Bulgaria.

Mr. TAVENNER. For how long a period of time were you in Bulgaria?

Mr. FORER. Excuse me, I do not think he finished his previous answer with respect to his education.

Mr. TAVENNER. I will come back to that. I interrupted him.

For how long a period of time were you in Bulgaria?

Mr. PETROFF. I do not remember when I went there because I was a kid, but I came back here in 1946.

Mr. TAVENNER. Who accompanied you when you left the United States?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. My parents accompanied me.

Mr. TAVENNER. Who accompanied you on your return to the United States in 1946?

Mr. PETROFF. Nobody.

Mr. TAVENNER. Are you a naturalized American citizen, or are you a citizen by virtue of birth in this country?

Mr. PETROFF. I am a citizen by virtue of my birth.

Mr. TAVENNER. Did you acquire citizenship in Bulgaria while you were there?

Mr. PETROFF. What citizenship do you mean?

Mr. TAVENNER. Dual citizenship? Did you become a citizen of Bulgaria?

Mr. PETROFF. Well, I just lived there.

Mr. SCHERER. I do not think that is an answer to Mr. Tavenner's question, that you just lived there.

I think he should answer whether he acquired citizenship or not. If he doesn't know, he should say so.

Mr. VELDE. The Chair agrees.

Mr. PETROFF. Not that I know of.

Mr. WALTER. You did not serve in the Bulgarian Army?

Mr. PETROFF. No.

Mr. TAVENNER. How old were you when you returned to the United States, just about 18?

Mr. PETROFF. About 18.

Mr. TAVENNER. Did you register in Bulgaria for military service?

Mr. PETROFF. No; I didn't.

Mr. TAVENNER. Now, I interrupted you in your narration of your educational training. Will you proceed, please?

Mr. PETROFF. Well, I took up machine shop and I went to Wayne University.

MR. TAVENNER. When did you attend Wayne University?

MR. PETROFF. The last two terms; not this term, but the last two.

MR. TAVENNER. For how long a period were you at Wayne?

MR. PETROFF. About 7 months.

MR. TAVENNER. And what month and year was it that you left Wayne University?

MR. PETROFF. That was, I think, July of this year. I do not recall the exact date.

MR. TAVENNER. What has been your employment since the completion of your work at Wayne University in July 1954, if any?

MR. PETROFF. Well, I worked 1 week only and then I lost my job due to the publicity that I got in the newspapers and due to the pressure upon my employer.

MR. TAVENNER. What publicity is it that you refer to?

MR. PETROFF. False publicity that I got in the newspapers.

MR. TAVENNER. When was that?

MR. PETROFF. That was in September.

MR. TAVENNER. You say you lost your employment by reason of that?

What was your employment?

MR. PETROFF. Well, I was driving a truck.

MR. TAVENNER. For whom?

MR. PETROFF. I don't remember the name. I only worked for a week.

MR. TAVENNER. You don't remember your employer back as short a period as September?

MR. PETROFF. It is a trucking company.

MR. TAVENNER. Located where?

MR. PETROFF. Located on Ferry Street in Detroit.

MR. CLARDY. A local trucking company or one engaged in over-the-road service?

MR. PETROFF. Local, delivering bricks.

MR. TAVENNER. How long was that employment? Did you work there constantly for them for a period of weeks?

MR. PETROFF. I think it was about 2 or 3 weeks, but not full weeks. I worked about 2 or 3 days a week and I think it was for a period of about 3 weeks.

MR. CLARDY. How many days did you work on the week when you were arrested by the Detroit police?

MR. PETROFF. Well, I was—one day that week.

MR. CLARDY. The rest of the days you were on the picket line at the Square D strike?

MR. PETROFF. I was arrested on Tuesday and I worked Monday, the previous day.

MR. CLARDY. Had you been on the picket line on the Square D strike the previous week?

MR. PETROFF. That is right.

MR. CLARDY. The publicity you spoke about grew out of your arrest that I have just mentioned?

MR. PETROFF. That is right.

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. PETROFF. I was on the picket line because I believed the workers at Square D had legitimate reasons and I sympathized with them and that is why I went there.

Mr. SCHERER. You never worked for Square D, is that right?

Mr. PETROFF. That is right.

Mr. CLARDY. How long were you on the picket line?

Mr. PETROFF. I did not count the days.

Mr. CLARDY. Well, roughly.

Mr. PETROFF. Roughly, about 2 weeks.

Mr. CLARDY. During the time when the violence occurred out there?

Mr. PETROFF. Well, the Detroit police instigated many violences and I don't know about which one you are talking.

Mr. CLARDY. Well, you know that there were reports daily in the newspapers concerning violence at the Square D plant and about the fact that a few arrests were made even prior to the time that you were arrested; don't you?

Mr. PETROFF. Yes, and there was some violence after I was arrested.

Mr. SCHERER. You say all of the violence was instigated by the Detroit police?

Mr. PETROFF. In my opinion, it was.

Mr. SCHERER. None by the strikers?

Mr. PETROFF. In my opinion, none.

Mr. SCHERER. None by the Communists who had joined the picket line?

Mr. PETROFF. Well, I did not see any pickets carrying signs on his nose, and his hair is not red. They call them reds, but to me they may be blondes or brunettes, so I don't know what you mean by Communists.

Mr. CLARDY. How did you happen to get in the picket line?

Mr. PETROFF. Because I sympathized with the workers.

Mr. CLARDY. Do you mean to tell me that you, a stranger in this company, went out and joined the crowd?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Tens of thousands of organized labor went there who did not even work at Square D.

Mr. WALTER. The fact of the matter is that you were sent there to join the picket line by certain Communist Party leaders, were you not?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Well, I already stated that I went there because I sympathized with the workers. Nobody sent me there.

Mr. WALTER. Did any member of the Communist Party, any Communist Party functionary, ask you to go there and assist in putting on this demonstration?

Mr. PETROFF. Nobody asked me to go there. Nobody insisted for me—

Mr. WALTER. At the time you joined the Communists or the picket line, were you a member of the Communist Party?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Well, I refuse to answer for the following reasons:

No. 1, this committee is a "lame-duck" committee and, in my opinion, it is sitting illegally.

Mr. WALTER. Well, now, you can call it a "lame-duck" committee all of your life, but the person who propounded the question will be a member of this next Congress.

Mr. PETROFF. No. 2, I believe its purpose today is as it has always been, to harass the workers and the people of this country and to give every possible assistance to big business.

No. 3, I refuse to aid this committee which I honestly believe is determined to destroy the constitutional rights of the American people. I just won't be a part of that.

No. 4, not only is this committee a "lame duck" committee, but such members as Mr. Clardy from my own State of Michigan have been mutilated.

Mr. CLARDY. Mutilated?

Mr. PETROFF. That is right. I mean you are out of the political picture.

No. 5, your purpose today, in my opinion, is to weaken the labor movement on the verge of the coming 1955 negotiations. It would be silly to think that I would help you to do this.

Mr. WALTER. May I interrupt you at this particular point?

What particular labor movement are you identified with?

Mr. PETROFF. Well, I was a member of the CIO.

Mr. WALTER. I am talking about now. You are talking about the reasons for not answering this question.

What labor movement are you identified with?

Mr. PETROFF. Well, right now I am not a member of any union.

Mr. WALTER. All right.

Mr. SCHERER. But you are a member of the Communist Party right now; aren't you?

Mr. PETROFF. I am giving you the reasons why I am not answering.

Mr. WALTER. Mr. Chairman, I think we have wasted enough time.

Mr. VELDE. I think so, too. Are you actually going to rely on the fifth amendment?

Mr. PETROFF. I am giving you my answers.

Mr. CLARDY. We have heard all this time and time again.

Mr. PETROFF. No. 6, there is no question that the primary reason for this committee calling me here in the first place was because of my active participation in the Square D strike in Detroit and which a member of this committee, Mr. Clardy, tried to break by hook or crook, and I am happy to say the workers won.

No. 7, since the inception of this committee in 1938, it has strived by the use of paid informers and stool pigeons, and without these characters in my opinion it would be impossible for this Un-American Committee to exist.

Mr. CLARDY. How many pages does that contain?

Mr. PETROFF. Only two and a half more.

Mr. CLARDY. Mr. Chairman, since he has not yet come down to an answer that is acceptable to the committee, I ask that he be instructed and given the opportunity to say yes or no or refuse to answer on the grounds of the fifth amendment, and that we get down to our business.

Mr. SCHERER. I do not think he should be given any more time to give any more such reasons. He should invoke the fifth amendment and proceed to the next question.

Mr. VELDE. Will you answer the question, or refuse to answer, or invoke the fifth amendment, please?

Mr. PETROFF. I am giving you my answer.

Mr. SCHERER. I am asking that counsel be instructed to proceed with the next question.

This man has had opportunity enough to answer this question. If he wanted to invoke the fifth amendment, he could, and I do not intend to listen to this harangue day after day.

Mr. VELDE. Proceed, Mr. Counsel.

Mr. PETROFF. I haven't finished my answer.

Mr. TAVENNER. May I suggest that you direct him to answer the question.

Mr. VELDE. You are directed to answer the question propounded to you.

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Since I am not given the opportunity to express my opinion, I would have to rely and invoke my privileges under the first amendment, which guarantees every citizen freedom of speech, thought, assembly, or association.

Mr. WALTER. That is enough. We know what is in the first amendment.

Mr. PETROFF. And I invoke my privileges under the fifth amendment not to be a witness against myself.

Mr. CLARDY. At the time of the Square D strike in which you participated as a picket, and as I understand it you were not a member of any labor union, is that correct?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Would you repeat the question?

Mr. CLARDY. Mr. Reporter, will you read the question?

(The reporter read the question as follows:)

Mr. CLARDY. At the time of the Square D strike in which you participated as a picket, and as I understand it you were not a member of any labor union, is that correct?

Mr. PETROFF. Well, at that time I was unemployed and I do not think I was a member of any union.

Mr. WALTER. What labor union had bargaining rights with Square D?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. United Electrical Workers, the best union.

They have the highest wages. They get higher wages than any other corporations and they have the best contract.

Mr. CLARDY. But they were still not satisfied?

But to come back to what I was asking about, do you know David Mates?

Mr. PETROFF. Maybe I have met him on the picket line. I don't know.

Mr. CLARDY. You did meet him there, didn't you?

Mr. PETROFF. I said maybe.

Mr. CLARDY. I said didn't you, as a matter of fact?

Mr. PETROFF. Well, nobody has introduced himself to me on the picket line.

Mr. CLARDY. Well, I will put it more directly.

Didn't David Mates have something to do with your going on the picket line?

Mr. PETROFF. No person by that name has anything to do with—

Mr. CLARDY. Do you know Johnny Gojack?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for the reasons I gave before.

Mr. CLARDY. Do you know whether Johnny Gojack was on the picket line at the same time you were?

Mr. PETROFF. I refuse for the same reasons.

Mr. CLARDY. You are invoking the fifth amendment?

Mr. PETROFF. That is right, and the first, too.

Mr. CLARDY. Proceed, Mr. Tavenner.

Mr. SCHIERER. May I ask a question?

Mr. VELDE. Mr. Scherer.

Mr. SCHIERER. You were driving a truck, though, at the time you were on the picket line, not at the very date you were on the picket line?

Mr. PETROFF. That is right.

Mr. SCHIERER. You were not even a member of the teamsters union at that time, were you?

Mr. PETROFF. Well, I think I had to say in 3 months before I joined the union.

Mr. SCHIERER. You were not a member of the teamsters union?

Mr. PETROFF. No.

Mr. TAVENNER. Mr. Petroff, you spoke of the incident of your arrest. When did that take place?

Mr. PETROFF. I believe that happened on September 22.

Mr. TAVENNER. What were you doing at the time of your arrest?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I was driving my car.

Mr. TAVENNER. Where were you going?

Mr. PETROFF. On the east side of Detroit.

Mr. TAVENNER. For what purpose?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I was following a couple's cab which I wanted to persuade not to work at Square D, because I did not think it is union policy. It is not fair to a union brother to scab on him.

Mr. TAVENNER. What means did you intend to employ to persuade those persons from not working at Square D?

Mr. PETROFF. Well, I meant to employ the means of talking to them.

Mr. TAVENNER. How many did you take with you to help you to persuade them by talking?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Well, there were several other speakers.

Mr. TAVENNER. How many?

Mr. PETROFF. Four, I believe.

Mr. TAVENNER. So it took five of you to exert this form of influence that you proposed to exert; didn't it?

Mr. PETROFF. To talk to them?

Mr. TAVENNER. Yes.

Mr. CLARDY. Did you catch them?

Mr. PETROFF. We got next to them but we did not get a chance to talk to them.

Mr. CLARDY. Because you were arrested?

Mr. PETROFF. That is right.

Mr. TAVENNER. How far did you follow them?

Mr. PETROFF. Well, I did not measure the distance.

Mr. TAVENNER. Wasn't it completely across the city that you followed them?

Mr. PETROFF. You mean that they were out of town?

Mr. TAVENNER. No; you did not succeed in driving them entirely out of town, I understand—just from one side of the city to the other; isn't that true?

Mr. PETROFF. The point where we took off to follow them to the point where we almost caught up with them is on one side of the city. So it cannot be from one side to the other.

Mr. TAVENNER. Did they call for police protection?

Mr. PETROFF. I don't know if they did.

Mr. TAVENNER. You were apprehended by the police and forced to drive to the curb; were you not?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Yes.

Mr. TAVENNER. Did you have any weapons of any kind in the car?

Mr. PETROFF. Well, there was a—something that I consider a toy, but the police department calls it a weapon.

Mr. TAVENNER. What was it?

Mr. PETROFF. To my knowledge, that was an air pistol, which I consider a toy.

(At this point Mr. Petroff conferred with Mr. Forer.)

That air pistol I use to shoot turtles when I go fishing.

Mr. CLARDY. It is lethal to the turtles.

Mr. PETROFF. And that so-called weapon was also in the same trunk which contained my fishing box, so why didn't the police say they also found a fishing box.

Mr. CLARDY. They said a lot of things, but what other things were in the car?

Mr. PETROFF. I had my clothes in the car.

Mr. CLARDY. No other weapon in the car?

Mr. PETROFF. Well, I don't know what you or the police department may consider a weapon. They may say that a windshield wiper is a weapon.

Mr. CLARDY. I wanted to be sure. You are taking the position, so far as you are concerned, that there was no other weapon in the car.

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. That is right.

Proceed, Mr. Tavenner.

Mr. TAVENNER. Was the fishing tackle in the car?

Mr. PETROFF. In the trunk.

Mr. TAVENNER. Where was the pistol?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. SCHERER. Your attorney doesn't know where the pistol was. He wasn't there, I am sure.

Mr. PETROFF. I would like to ask him because I do not want you to put me in jail for nothing.

Mr. SCHERER. You should have been in jail a long time ago.

Mr. PETROFF. Well, you should investigate the things that causes unemployment so that people like me and other unemployed workers can get a job.

Mr. WALTER. The thing that disturbs me, and I know nothing about that strike, is why your interest was so great in this matter. You were not employed there.

Mr. PETROFF. I am very glad to tell you. Because I believe that if the workers get better contracts, for instance, like 30 hours work and

40 hours pay, there would be more jobs open and then I would be able to get a job.

Mr. WALTER. In other words, you were assisting in this strike with the hope that by your activities you might find employment for yourself?

Mr. PETROFF. Providing that they get a good contract, there would be jobs open.

Mr. SCHERER. And engaging in violence to prevent other citizens of Detroit from working in that plant when they wanted to?

Mr. PETROFF. I did not say I engaged in violence. You are putting words in my mouth.

Mr. SCHERER. You and your crowd were engaging in violence, if you did not actually get a chance to use that gun.

Mr. CLARDY. Are you sure you never engaged in any violence while on the Square D picket line?

Mr. PETROFF. Well, the cops had us run off the sidewalk a few times and that may be violence.

Mr. CLARDY. That is all that you did while on the picket line?

Mr. PETROFF. That is all I did.

Mr. CLARDY. Mr. Tavenner, you never got an answer to your question as to where the gun was in the car.

Mr. TAVENNER. No, I realize that.

Where was the gun in the car when the officers apprehended you?

Mr. PETROFF. The gun, the so-called gun, was in a suitcase which was in the trunk of the car.

Mr. TAVENNER. What else was in the trunk of the car besides the fishing tackle and the suitcase and the pistol?

Mr. PETROFF. Other than tools, I had my clothes, my underwear, and shirts.

Mr. TAVENNER. We are not interested in that. What else?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I had some books in the car, too, like some—

Mr. TAVENNER. What was the nature of the books?

Mr. PETROFF. Well, one book was algebra, which the Detroit subversive squad kept for almost a week trying to figure out some code from some imaginary place. They kept my algebra book in there and they also kept my English book called Writing From Observation.

Mr. TAVENNER. You think that the police thought there was something subversive about your algebra book and your English book?

Mr. PETROFF. That is what I imagine.

Mr. CLARDY. Those books were returned to you by the police department; were they not?

Mr. PETROFF. Yes, after my lawyer had to call them up and insist.

Mr. CLARDY. The other things were not?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. There were still other things that they did not return.

Mr. TAVENNER. What was the nature of those things that were not returned?

Mr. PETROFF. Some pictures that I had.

Mr. TAVENNER. You mean photographs?

Mr. PETROFF. Yes.

Mr. TAVENNER. I am not interested in those. Was there anything else?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Yes, there was something else?

Mr. TAVENNER. What?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Well, now, I refuse to tell for the same reasons I gave before.

Mr. TAVENNER. You refuse to tell what was in the trunk of your car?

Mr. PETROFF. That is right.

Mr. TAVENNER. For what reason?

Mr. PETROFF. For the same reasons I stated before, because I do not agree with this committee and because this committee is a lame duck committee and in my opinion it is sitting illegally.

Mr. TAVENNER. I ask that the witness be directed to answer the question.

Mr. VELDE. I direct the witness to answer the question.

Mr. PETROFF. And I invoke my privilege under the first and under the fifth amendment not to be a witness against myself.

Mr. SCHERER. I want to know, Mr. Tavenner, what did they take from his car.

Mr. TAVENNER. Mr. Chairman, I have subpoenaed the material from the police department which was taken from the trunk of the witness' car and it had been produced before the committee, and I will ask the investigator to place it out here so that we can see it and ask the witness questions.

I would like to offer the entire matter as one batch of papers and documents into evidence and ask that it be marked "Petroff Exhibit No. 1."

Mr. VELDE. Without objection, it is submitted in evidence.¹

Mr. PETROFF. I see that you have my papers from Bulgaria, which are equivalent to an American social security card and were my working papers, and I ask you to return them to me.

Mr. TAVENNER. Do you see anything else that belongs to you besides your working papers?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for the same reason I gave before.

Mr. SCHERER. What is the nature of that material?

Mr. TAVENNER. I have here the Communist Manifesto by Karl Marx and Frederick Engels.

Where did you obtain that document, Mr. Petroff?

Mr. PETROFF. I never did say that I had it.

Mr. TAVENNER. You refuse to say whether you did have it or not?

Mr. PETROFF. I gave you the reasons.

Mr. CLARDY. How did it get in your car?

Mr. PETROFF. I refuse to answer for the following reasons—

Mr. CLARDY. Are you raising the fifth amendment?

Mr. PETROFF. Yes.

Mr. TAVENNER. I see here also The Communist Party by Pettis Perry.

Mr. PETROFF. Did you read it?

Mr. TAVENNER. When did you last read it?

Mr. PETROFF. Well, I refuse to answer because—

Under my first amendment guaranteeing me—and the fifth amendment.

¹ Retained in the files of the committee.

Mr. TAVENNER. The next document is entitled "Nine Questions About the Communist Party Answered by Eugene Dennis."

Are you acquainted with Helen Simon Travis?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for the same reasons.

Mr. TAVENNER. Here is a document entitled "The Truth About Guatemala" by Helen Simon Travis, who was a fifth-amendment witness before this committee.

Mr. PETROFF. Well, I am proud to say that I am a fifth-amendment witness because I am sticking to my constitutional rights.

Mr. WALTER. What constitution are you talking about?

Mr. PETROFF. The fifth amendment, not to be a witness against myself, and also the first amendment, guaranteeing my rights to read any book, even the Communist Manifesto, as well as the Wall Street Journal.

Mr. SCHIERER. Is the Wall Street Journal in that group of papers?

Mr. TAVENNER. Did you tell the police authorities of Detroit at the time of your arrest that some friend of yours or some person had given you these documents for you to read?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. TAVENNER. I have before me three copies of the American Way, which is the draft program of the Communist Party among them.

Mr. CLARDY. That is the document that says it is possible to have peaceful coexistence with the Communists, isn't it?

Mr. SCHERER. It says a lot of things.

Mr. TAVENNER. I find two copies of an excerpt taken from the Daily Worker of Wednesday, February 4, 1953, entitled "The FBI Against the Bill of Rights."

Mr. Chairman, I do not believe that I will take the time to read all of those but I will read a few more.

Organizing the Party for Victory Over Reaction, by Alexander Parker.

Mr. WALTER. May I see that one?

Mr. TAVENNER. Yes, sir.

The next one is entitled "The CIO Today" by George Morris, who is the editor of the Daily Worker.

I have a number of issues of Political Affairs. There are practically 50 copies of the September 1954 issue of the March of Labor.

What was your purpose in having these documents, all these issues of the March of Labor.

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Can I see the cover on that magazine?

Mr. TAVENNER. Did you have it?

Mr. PETROFF. I gave you my reasons before for refusing to answer.

Mr. TAVENNER. Well, if you are not going to answer that question about it, there is no reason.

We have also here numerous other issues of the March of Labor; October 1953, two copies; September 1953; June 1953; May 1953; August 1953; April and March 1953; October, November, and September issues for 1952.

I find here also a number of copies of the Soviet Union for the issues of December, November, March, February, and January 1954.

Mr. PETROFF. I see cherryblossoms on the back and I see a Christmas tree there.

Mr. TAVENNER. It is a document published in the Soviet Union, and with reference to these issues of the March of Labor, I would like to quote something here, call the chairman's attention and the committee's attention to the fact that the owner and editor is John Steuben, and as you well know the committee has been investigating for some period of time the March of Labor.

Mr. Steuben's denaturalization proceedings are now pending. He was subpoenaed before this committee but presented a medical certificate and because of his alleged condition of health, he has not yet been heard.

One of the directors of the campaign instituted in April of this year for the distribution of this paper is a person by the name of Esther Letts.

Were you acquainted with Esther Letts?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for the previous reasons I have given.

Mr. TAVENNER. As a matter of fact, Mr. Petroff, weren't you engaged in the business of distribution of this material which has been called to the committee's attention and to your attention?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for the same reasons I have given before.

Mr. TAVENNER. Were you acquainted with Carl Marzani?

Mr. PETROFF. I refuse to answer for the same reasons I have given before.

Mr. TAVENNER. I hand you a paper taken from the trunk of your car at the time of your arrest, addressed to Carl Marzani.

It is a carbon copy of a paper with the name James Petroff at the foot of it.

Will you examine it, please?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. TAVENNER. Did you write and transmit the original of that letter to Mr. Marzani.

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse on the previous grounds.

Mr. TAVENNER. I desire to offer the document in evidence and request leave to withdraw it and leave a copy in its place and have it marked "Petroff Exhibit No. 2."

Mr. VELDE. Without objection, it will be so ordered.¹

Mr. TAVENNER. I would like to read the letter into evidence, Mr. Chairman.

In the upper right-hand corner it is dated August 24, 1954, and the letter reads as follows:

DEAR MR. MARZANI: I understand that you will be able to forward the enclosed check and this request to the March of Labor—I do not know their new address in New York.

¹ Retained in the files of the committee.

Please send me 100 copies of the latest issue, September. Would appreciate delivery before Labor Day.

Thank you for your courtesy—it is greatly appreciated.

Sincerely yours,

JAMES PETROFF.

I hand you a slip of paper which was taken from the top of your car and which was delivered as part of the exhibit by the Detroit police, and I will ask you to identify it and state to the committee what it is.

Mr. PETROFF. I refuse to answer for the previous reasons.

Mr. TAVENNER. I desire to offer it in evidence under the same conditions and ask that it be marked "Petroff Exhibit No. 3."

Mr. VELDE. Without objection, it will be so ordered.¹

Mr. TAVENNER. As a matter of fact, this is a list showing the order of various publications by you; isn't it?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer on the previous grounds.

Mr. TAVENNER. The top of it says that it is an order number. The date is July 24, 1954.

It states: "Ship to M"; whoever that may be. It lists numerous items.

It says: "Seven P.A." That means political affairs; does it not?

Mr. PETROFF. I refuse to answer on the grounds on the previous statement.

Mr. TAVENNER. And then it says: "Fourteen S.U." That means Soviet Union; does it not?

Mr. PETROFF. I refuse to answer on the previous grounds.

Mr. TAVENNER. It has numerous other initials that I am unable to determine what they may mean: "Five E.N." What does that mean?

Mr. PETROFF. I refuse to answer for the same reasons I have given before.

Mr. TAVENNER. Then it says: "Eight W.R." which may mean World Review, copies of which are among these documents.

It shows a circle in the left-hand corner, the letter "D," and also "\$2" and the letter "W" and also the figure "\$1.20."

Did that represent collections that you had made toward payment of the order?

Mr. PETROFF. I refuse to answer for the same reasons I have given before.

Mr. TAVENNER. I hand you a document entitled "The Walter-McCarran Law, Police State Terror Against Foreign-Born Americans," by Abner Green.

This is one of the documents obtained from the exhibit.

Mr. PETROFF. May I read it?

Mr. TAVENNER. Have you ever seen it before?

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. SCHERER. Do you think there is something subversive about the Walter-McCarran Act?

Mr. PETROFF. Pardon?

Mr. TAVENNER. Where did you receive that document?

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

¹ Retained in the files of the committee.

Mr. WALTER. Why has there been this continued activity on the part of aliens or naturalized citizens against this law?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Well, because there are some clauses in it that discriminate because of race, color, and creed.

Mr. WALTER. The fact of the matter is that the only difference between a naturalized citizen and a native citizen under the terms of this iniquitous Walter-McCarran Act is that an alien-born, naturalized citizen may be deported within 5 years after he becomes a citizen of the United States and the joint committee that wrote this law felt that the least that could be asked of aliens was that they remain loyal to the United States for a period of 5 years.

Mr. PETROFF. Well, I know that it discriminates against colored people coming from Jamaica.

Mr. WALTER. No; it does not discriminate against colored people coming from Jamaica because we gave to Jamaica the same status that Australia and New Zealand and all of the other British possessions had, for the first time.

Those countries have quotas of 100 and it doesn't discriminate against Negroes at all, because people from Martinique and all those other off-shore countries can come in without regard to quotas.

Mr. PETROFF. I believe, before this law was put into power, more colored people were allowed to come from Jamaica and today it is limited.

Mr. WALTER. So you are opposed to the law because there are fewer Jamaicans coming in than before. I wish we could do something more about some other situations that I know about.

Mr. PETROFF. I wish you would investigate unemployment.

Mr. WALTER. Here is a circulation entitled "The American Committee for the Protection of the Foreign-Born," and it is an attempt to try to bring about a repeal of the Immigration and Nationality Act.

What do you know about the money that has been raised for this purpose?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I know nothing.

Mr. WALTER. Well, you had in your possession these blanks for the collection of money. How much money did you collect?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I never admitted I had it and I refuse to answer on the same ground I have given before.

Mr. WALTER. This was found in your automobile. Did you ever have this solicitation blank?

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. WALTER. In other words, you refuse to answer the question of whether or not you were engaged in soliciting funds for the repeal of the basic immigration nationality code because to answer the question might incriminate you?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for all the reasons I gave before.

Mr. SCHIERER. Before we go any further, Mr. Chairman, there happen to be two representatives of the Department of Justice in the hearing room today and I would like to make this suggestion: That to me, the evidence clearly indicates that in all possibility this witness has

violated the Smith Act and I want to make that observation before those gentlemen leave.

MR. TAVENNER. I want to call to your attention a paper, an English edition of For a Lasting Peace for a People's Democracy, Bulgarian Organization Bureau of Communists and Workers Party, the issue of April 23, 1954.

Will you explain to the committee how you came in possession of that paper?

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. PETROFF. I refuse to answer for the same reasons.

MR. TAVENNER. I will ask you to explain how you came into possession of the Party Voice, a bulletin issued by the New York State Communist Party, issue of March 1953?

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. PETROFF. I refuse to answer for the same reasons I gave before.

MR. TAVENNER. Here is a German-language paper under date of April 30, 1954.

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. TAVENNER. It may not be German. I don't know what it is.

Will you state what it is?

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. PETROFF. I refuse to answer for the same reasons.

MR. TAVENNER. It may be Bulgarian.

Now, while you were in Bulgaria, did you become a member of an organization called the DSNM?

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. PETROFF. What is the DSM, whatever it is?

MR. TAVENNER. It is a youth organization in Bulgaria.

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. PETROFF. I refuse to answer for the previous reasons.

MR. WALTER. How old were you when you left Bulgaria to return to the United States?

MR. PETROFF. About 18.

MR. WALTER. Had you any particular formal training in languages in Bulgaria?

MR. PETROFF. What do you mean by formal training?

MR. WALTER. Well, what languages did you study?

MR. PETROFF. Well, I studied Bulgarian.

MR. WALTER. What else?

MR. PETROFF. And I studied English.

(At this point Mr. Petroff conferred with Mr. Forer.)

MR. PETROFF. Oh, I studied some German.

MR. SCHERER. What about Russian?

MR. PETROFF. I don't remember studying Russian in school.

MR. SCHERER. You mean to tell us you can't remember whether you studied Russian or not?

MR. PETROFF. Well, Russian is very close to Bulgarian; so—

MR. SCHERER. That would make it all the more reason why you should remember.

MR. WALTER. That doesn't necessarily follow. There are 38 dialects in the Russian language.

Did you receive any formal training in sabotage or espionage?

MR. PETROFF. No.

MR. SCHERER. Did you receive any informal training?

Mr. PETROFF. No.

Mr. TAVENNER. You were asked the question whether or not you are now a member of the Communist Party. May I ask you: Have you been a member of the Communist Party at any time since your arrival in the United States since 1946?

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. SCHERER. You were a member of the Communist Party before you came to the United States, weren't you?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. VELDE. Any questions, Mr. Clardy?

Mr. CLARDY. Witness, the address at which we served the subpoena was the Taft Hotel.

Is that your present address in Detroit?

Mr. PETROFF. Well, I checked out of the Taft Hotel since—

Mr. CLARDY. I know you did several times and we finally caught you and served a subpoena on you there for your appearance here.

What is your present address?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Well, I don't have any residence. I will have to go back to Detroit, and I will stay at some hotel.

Mr. CLARDY. Where are you receiving your mail in Detroit at the moment?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I receive my mail at 5360 Russell.

Mr. CLARDY. Is that a private residence or hotel?

Mr. PETROFF. That is a restaurant.

Mr. CLARDY. What name?

Mr. PETROFF. All Central Lunch.

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. That is where they have Bulgarian cooking, and I go there occasionally to get some food.

Mr. CLARDY. Just prior to your being picked up by the Detroit police, you, as you said, had taken out after these fellows in order to persuade them not to go to work.

What led you to take out after them?

Mr. PETROFF. I think I already stated it.

Mr. CLARDY. No; you haven't.

Mr. PETROFF. Because I believe the workers get better contracts, and if they get 30 hours' work and 40 hours' pay there would be more jobs and I would be able to get a job.

Mr. CLARDY. I don't mean that. Did you observe them coming out of a plant and get into an automobile, and you then took out after them?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Yes; I saw them getting in an automobile.

Mr. CLARDY. And you saw them as they came out of the plant, did you?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Well, I think so.

Mr. CLARDY. Why did you take out after them?

Why were you going to try to persuade them if you didn't believe they were Square-D employees?

Mr. PETROFF. I was going to talk to them.

Mr. CLARDY. Even though they weren't Square-D employees.

Mr. FORER. He said he believed they were.

Mr. PETROFF. I did think so.

Mr. CLARDY. I couldn't hear you. I didn't understand.

When you caught up to them, you ran your car in front of them and forced them to the curb and about that time the police came on the scene?

Mr. PETROFF. I didn't run my car in front of them and force them over to the curb.

Mr. CLARDY. How did you curb them?

Mr. PETROFF. I didn't curb them.

Mr. CLARDY. Well, did you actually catch up to them?

Mr. PETROFF. I was behind them.

Mr. CLARDY. Right close behind them?

Mr. PETROFF. Well, I got close to them.

Mr. CLARDY. Bump them or anything?

Mr. PETROFF. Didn't even bump them.

Mr. CLARDY. The police got there a little too quick for that?

Mr. PETROFF. Yes.

Mr. CLARDY. Have you read this document, this Communist document?

It acknowledges that it is put out by the Communist Party.

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. CLARDY. Have you read that part of it where it says:

There can be no hope for a lasting peace and world disarmament without accepting the principle of peaceful coexistence between the capitalist United States of America and the socialist Soviet Union.

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. CLARDY. You have heard that said before by the Communist Party leaders, haven't you?

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. CLARDY. Have you read that part of it which recommends that there be no intervention of any kind by this Nation in the affairs of other nations, and that we, among other things, keep hands off Guatemala? Did you read that part of the document?

Mr. PETROFF. I refuse to answer for the same grounds I used before.

Mr. CLARDY. Have you read any of the documents that were found in your car?

Mr. PETROFF. I refuse to answer for the same reason I gave before.

Mr. CLARDY. How much money have you put out all together in purchasing the matter that was found in your car?

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. CLARDY. Have you disseminated or distributed any literature whatever put out by the Communist Party to other people?

Mr. PETROFF. I refuse to answer for the same reasons I gave before.

Mr. SCHERER. How many employees of Square D who were in this car were you going to persuade not to work?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. In whose car do you mean?

Mr. SCHERER. I mean the employees in the car you were pursuing. How many men were there in the car you were pursuing?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. There were two men, I believe.

Mr. SCHERER. There were four with you, were there not?

Mr. PETROFF. I think so.

Mr. CLARDY. Was that a taxi or private car you were pursuing?

Mr. PETROFF. Both cars were private.

Mr. SCHERER. You had four men and this gun. Now, the police caught you that time. On how many other occasions did you attempt to persuade employees of the Square D Co. not to work?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. Oh, I tried to persuade a few of them who were applying for jobs there.

Mr. SCHERER. On how many other occasions did you use force and violence?

Mr. PETROFF. I could never use force and violence.

Mr. SCHERER. You never did, any force at all?

You never grabbed ahold of any of these men, did you?

Mr. PETROFF. No.

Mr. SCHERER. Are you sure of that?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. I don't think I did.

Mr. SCHERER. Isn't it a fact that you did?

(At this point Mr. Petroff conferred with Mr. Forer.)

Mr. PETROFF. No.

Mr. SCHERER. That is all.

Mr. WALTER. I have no questions.

Mr. VELDE. I have no questions.

The witness is dismissed.

(Representative Harold H. Velde left the hearing room at this point.)

Mr. CLARDY (presiding). Call your next witness, Mr. Tavenner.

You do solemnly swear the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. MILLSTEIN. I do.

Mr. CLARDY. Be seated.

TESTIMONY OF ALFRED MILLSTEIN, ACCOMPANIED BY HIS COUNSEL, JOSEPH FORER

Mr. TAVENNER. What is your name, please, sir?

Mr. MILLSTEIN. My name is Alfred Millstein.

Mr. TAVENNER. I note you are accompanied by Mr. Forer as counsel. When and where were you born?

Mr. MILLSTEIN. I was born May the 19th, 1921, in Brooklyn, N. Y.

Mr. TAVENNER. Where do you now reside?

Mr. MILLSTEIN. I reside in Detroit, Mich.

Mr. TAVENNER. How long have you lived in Detroit?

Mr. MILLSTEIN. Approximately 5½ years.

Mr. TAVENNER. Prior to that where did you reside?

Mr. MILLSTEIN. I resided at Ann Arbor, Mich.

Mr. TAVENNER. How long did you reside at Ann Arbor?

Let me put it this way: Will you tell me when you went to Ann Arbor, Mich., and when you left Ann Arbor?

Mr. MILLSTEIN. I am trying to recall.

I went to Ann Arbor either toward the end of 1947 or the beginning of 1948.

I'm not quite sure of the date. I would have to look up some records to be exact.

I left Ann Arbor, moved to Detroit in May 1949.

Mr. TAVENNER. I assume you were at the university there?

Mr. MILLSTEIN. That's correct.

Mr. TAVENNER. Prior to your going to Ann Arbor, where did you live?

Mr. MILLSTEIN. New Orleans, La.

Mr. TAVENNER. How long were you there?

Mr. MILLSTEIN. Between a year and a half and 2 years.

Mr. TAVENNER. And prior to that where did you make your residence?

Mr. MILLSTEIN. New Guinea, the Philippine Islands, Okinawa.

Mr. TAVENNER. While you were in the service?

Mr. MILLSTEIN. Yes. We were doing a little colonizing over there.

Mr. TAVENNER. I believe you became a major in the service, didn't you?

Mr. MILLSTEIN. No, sir; I became a captain.

Mr. TAVENNER. You were in the service for how long a period of time?

Mr. MILLSTEIN. Four years. Active service.

Mr. TAVENNER. From 1942 to 1946?

Mr. MILLSTEIN. That's correct.

Mr. TAVENNER. Now, you have told us, in stating where you resided, where you had gone to school. You were at Tulane University, were you not?

Mr. MILLSTEIN. That's correct.

Mr. TAVENNER. How long were you there? For one session?

Mr. MILLSTEIN. Well, it was a little mixed up—summer school and so on.

It wasn't an exact session by session, the way a normal course goes. I was there between 1½ and 2 years, to the best of my recollection.

Mr. TAVENNER. And you went from there to what university?

Mr. MILLSTEIN. The University of Michigan.

Mr. TAVENNER. Did you obtain a degree at the University of Michigan?

Mr. MILLSTEIN. I did.

Mr. TAVENNER. What degree did you obtain?

Mr. MILLSTEIN. Bachelor of business administration.

Mr. TAVENNER. And you obtained your degree in what year?

Mr. MILLSTEIN. I believe it was February 1949.

Mr. TAVENNER. What employment did you obtain upon securing your degree in business administration?

Mr. MILLSTEIN. I continued school briefly, not a complete semester, after I received my degree.

Mr. TAVENNER. Did you teach?

Mr. MILLSTEIN. No, sir.

Mr. TAVENNER. At any time while at Michigan University?

Mr. MILLSTEIN. I was a student.

Mr. TAVENNER. A student the entire time?

Mr. MILLSTEIN. Yes, sir.

Mr. TAVENNER. When you continued this work, did you continue it at the university?

Mr. MILLSTEIN. Yes, sir; for a brief period.

Mr. TAVENNER. And then what was your employment after that?

Mr. MILLSTEIN. I hired into Chevrolet Forge Spring and Bumper plant in Detroit.

Mr. TAVENNER. And you are still employed there?

Mr. MILLSTEIN. That's correct.

Mr. TAVENNER. Did you seek employment there for ordinary laboring work or was it any technical phase of the work of the plant?

Mr. MILLSTEIN. I use my hands. I work with my hands. I get my hands dirty.

Mr. TAVENNER. What kind of job was it?

Mr. MILLSTEIN. I do general production work.

Mr. TAVENNER. What kind of job was it when you first took it?

Mr. MILLSTEIN. I was a buffer. I got my face dirty then.

Mr. TAVENNER. Tell us what a buffer means.

Mr. MILLSTEIN. Well, a buffer takes automobile parts—in this case, bumpers, you see, and the bumper has to be shined before it is plated.

That is what a buffer does. He shines it before they plate it. That is what I did.

Mr. TAVENNER. It is the type of work that your training, your college degree, had played no part in your ability to handle, the job, or in your preparation for that type of job, did it?

Mr. MILLSTEIN. Well, I know people, for example, who study engineering and go out and sell bonds, you see.

I don't know if you can draw a correct connection or not; but you can draw your conclusions from it.

Mr. TAVENNER. Did you make a written application for your position?

Mr. MILLSTEIN. I must have.

Mr. TAVENNER. I will see if I can refresh your recollection.

I hand you a photostatic copy of the application for employment and I will ask you to examine the signature there and state whether or not it is a reproduction of your signature.

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. Well, it could be.

Mr. TAVENNER. Are you reasonably satisfied that is your handwriting?

Mr. MILLSTEIN. It looks like it.

Mr. TAVENNER. And it is your name, isn't it?

Mr. MILLSTEIN. It is spelled the same way my name is—appears to be.

Mr. TAVENNER. I desire to introduce the document in evidence and have it marked "Millstein Exhibit No. 1."

Mr. CLARDY. It will be received.¹

Mr. TAVENNER. It is noted from this application that when you gave your educational record you gave it as college, 1 year, 1946-1947.

That is the time when you attended Tulane University, isn't it?

Mr. MILLSTEIN. Yes.

Mr. TAVENNER. Why did you fail to inform your employer that you had a degree in business administration at the University of Michigan?

¹ Retained in the files of the committee.

(At this point Mr. Millstein conferred with Mr. Forer.)

MR. MILLSTEIN. Well, it is highly unlikely that I would have gotten the job that I applied for if I mentioned the fact.

I felt that way at the time, as a matter of fact. Many people with certain education might want a certain type of a job, and I know that corporations, for example, figure that if a man—maybe if a man is too smart, if he knows too much, maybe he don't like to sit still. I know that is the policy of many personnel directors.

Many people don't give the full information when they apply for jobs because they are discriminated against. I seem to recall—

MR. TAVENNER. You thought your degree in business administration might cause your employer to discriminate against you and not give you a position?

MR. MILLSTEIN. Well, I needed a job at the time. I wanted a paycheck to come in, see, and I didn't particularly see the need to put that on there.

MR. SCHERER. The more education you had the less likelihood you would have had of getting a job?

MR. MILLSTEIN. Well, look, it is not an unheard of practice, sir, for a person not to put everything on his application when he goes for a certain job.

I don't think Mr. Clardy told the voters when he went for Congress he had been kicked off the public service commission. I doubt if they would have elected him if he had told them that.

MR. SCHERER. I ask that be stricken.

MR. CLARDY. I didn't hear that.

MR. WALTER. No; no. That is a matter that is entirely proper because it is a matter of public record, that at the expiration of the Republican regime in Michigan the Democrats asked that a Democrat take Mr. Clardy's place.

So, I think you wise guys ought to have that clarified. At least the people—

MR. CLARDY. Was he talking about me?

I didn't catch it.

MR. WALTER. Oh, well, we don't have the problem in the Sixth District any more, so—

MR. CLARDY. You mean you have one of your kind, you think?

MR. MILLSTEIN. One of my kind?

MR. CLARDY. That is what you are implying.

MR. MILLSTEIN. I said we don't have the problem of Mr. Clardy any more.

MR. TAVENNER. Mr. Millstein, did you have any employment while at the University of Michigan?

(At this point Mr. Millstein conferred with Mr. Forer.)

MR. MILLSTEIN. At one time I recall I had a job for a couple of weeks washing dishes. There may have been one or two other instances of that type during my period at the University of Michigan, and with respect to my other employment during the period we are talking about I will refuse to answer, in the first place, on the following grounds:

In the first place, such questions deal with matters of freedom of speech, freedom of thought, freedom of assembly, covered by the first amendment to the constitution;

In the second place, on the basis of my privilege under the fifth amendment not to be a witness against myself.

Mr. TAVENNER. So, you had no actual work while you were at the University of Michigan other than sporadic employment of a few days at a time, washing dishes or something of that character; is that what you mean?

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. I have formulated my answer. I will repeat it, if you would like me to.

Mr. TAVENNER. If you will tell me what employment, so I will know, you had at the University of Michigan——

Mr. MILLSTEIN. Now I answered the question once. I am not clear. Maybe you didn't get it.

Well, could you read it back again?

Mr. TAVENNER. What employment did you have at the University of Michigan, specifically?

Mr. MILLSTEIN. I remember specifically one job I had washing dishes.

Mr. CLARDY. That doesn't distinguish you from a lot of students there. I did that when I was there myself.

What we want to know is what other employment of any real consequence——

Mr. MILLSTEIN. All right. I will continue my answer.

With respect to any other employment, other than a dishwashing job, during the period of my attendance at the University of Michigan, I refuse to answer under the first amendment and under the fifth amendment.

Mr. CLARDY. Is that because the employment had something to do with the activities of the Communist Party or the Young Communist League or some of the other branches of the Communist Party?

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. I refuse to answer that question for the same reasons.

Mr. TAVENNER. Did you at any time while at the University of Michigan work at a place called Lesser's Clover Lodge?

(Representative Francis E. Walter left the hearing room at this point.)

Mr. MILLSTEIN. No.

Mr. TAVENNER. I note from your application, where you are asked to state the names of your employers, you state Lesser's Clover Lodge, that you had been employed there in general maintenance and repairs, a resort hotel, from June 1947 to April 1949, a total of 22 months.

Will you explain, if you had never worked there, why you put that on your application?

Mr. MILLSTEIN. Well, that appears to be inaccurate. Doesn't it, in the light of my testimony?

Mr. TAVENNER. I would say that is an understatement, to say it is inaccurate.

Mr. SCHERER. It is a plain lie.

Mr. MILLSTEIN. Now, what is the question?

Mr. TAVENNER. My question was: What was the reason for putting on your application that you had been employed for 22 months at Lesser's Clover Lodge from 1947 to 1949 and failing to state that during that period of time you were obtaining a degree at the University of Michigan?

MR. MILLSTEIN. Well, it is hard for me to recall my thinking, my reasoning at that particular time.

It is quite a while back. I am not sure that I could say expressly what my reasons were, what my thinking was at that time.

MR. TAVENNER. Maybe I can refresh your recollection as to that. Wasn't it because you were very active during that period of time in the Communist Party and you wanted to deceive your employer as to what your activities had been?

MR. MILLSTEIN. I'll refuse to answer that question for the reasons given previously.

MR. TAVENNER. Isn't it a fact that you were active in Communist Party activities while you were at the University of Michigan?

MR. MILLSTEIN. I refuse to answer that for the same reasons.

MR. TAVENNER. Isn't it true that prior to your coming to Michigan, you were a member of the Communist Party?

MR. MILLSTEIN. I refuse to answer that for the same reasons.

(Representative Francis E. Walter entered the hearing room at this point.)

MR. TAVENNER. Wasn't your Communist Party membership transferred from New Orleans Ralph Neafus Club of the Communist Party to the University of Michigan?

MR. MILLSTEIN. I refuse to answer that for the same reasons.

MR. TAVENNER. Are you married?

MR. MILLSTEIN. Yes, sir.

MR. TAVENNER. What was your wife's name before marriage?

(At this point Mr. Millstein conferred with Mr. Forer.)

MR. MILLSTEIN. I would like to request you to withdraw the question, Mr. Tavenner, because—

MR. TAVENNER. No, sir. I think that is a legitimate question.

I am not going to ask you any question about your wife, other than her name.

MR. SCHERER. I ask that he be directed to answer.

MR. MILLSTEIN. The name is Evelyn Millstein, formerly Evelyn Lesser.

MR. TAVENNER. Did you give the name of your father-in-law as the place where you worked from 1947 to 1949 because you knew if any inquiry was made that you would be protected?

(At this point Mr. Millstein conferred with Mr. Forer.)

MR. MILLSTEIN. What was the question? How was it phrased?

MR. TAVENNER. Read the question, please.

(The reporter read the question as follows:)

Did you give the name of your father-in-law as the place where you worked from 1947 to 1949 because you knew if any inquiry was made that you would be protected?

(At this point Mr. Millstein conferred with Mr. Forer.)

MR. MILLSTEIN. The answer is "No."

MR. TAVENNER. Was an inquiry sent from Chevrolet to Lesser's Clover Lodge making inquiry regarding your employment there, to your knowledge?

MR. MILLSTEIN. Well, you should ask Chevrolet. You seem to have access to their records.

MR. TAVENNER. I asked you.

MR. MILLSTEIN. How can I say what Chevrolet did?

Mr. TAVENNER. Will you answer the question, please, sir?

Mr. CLARDY. You are directed to answer that question.

Mr. MILLSTEIN. Would you repeat—was an inquiry sent from Chevrolet?

Mr. TAVENNER. To Lesser's Clover Lodge regarding your former employment there, if you know.

Mr. MILLSTEIN. If I know?

Well, I don't know what Chevrolet did. They have their own people that send out inquiries.

Mr. SCHERER. Did your father-in-law receive any such inquiry?

Mr. MILLSTEIN. Not to my knowledge.

Mr. SCHERER. You mean he never told you that?

Mr. MILLSTEIN. I said not to my knowledge.

Mr. TAVENNER. Mrs. Toby Baldwin, the dues collector for the State of Michigan, testified before this committee in May 1954.

You may know that she had been in the Communist Party at the request of the Federal Bureau of Investigation, and assembled such information as came to her attention during that period.

(Representative Francis E. Walter left the hearing room at this point.)

Mr. TAVENNER. During the course of her testimony I asked her this question:

Did you know a person by the name of Al Millstein?

Mrs. Baldwin's reply was:

I did not know him personally. However, I did handle a transfer card dealing with him.

Question. A transfer card?

Answer. Yes.

Will you tell the committee what you know about his transfer card?

I assume you mean Communist Party transfer card.

Mrs. BALDWIN: Yes; I do. He was transferred from New Orleans into the Communist Party here in Wayne County, and he was put at that time into the Ralph Neafus Club.

Is any part of her statement with regard to your transfer incorrect?

Mr. MILLSTEIN. I refuse to answer that question for the reasons stated previously.

Mr. TAVENNER. Were you acquainted with Steve Schemanske?

Mr. MILLSTEIN. I refuse to answer that question for the reasons stated previously.

Mr. TAVENNER. Mr. Schemanske identified you as a member of the Communist Party in Detroit during the period of your employment that you have described.

Do you desire to refute that or explain it in any way?

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. The answer is "No"; I don't desire to explain it.

Mr. TAVENNER. Did you take part in the Square D strike on the picket line?

Mr. MILLSTEIN. I picketed a couple of times.

Mr. TAVENNER. You were not employed at that plant, were you?

Mr. MILLSTEIN. No, sir.

Mr. TAVENNER. You were not a member of the local union that was involved in that strike, were you?

Mr. MILLSTEIN. What local do you refer to?

Mr. TAVENNER. Any local that was involved, of the UE.

Mr. MILLSTEIN. No, sir; I am not a member of the UE.

Mr. TAVENNER. Did any member of the Communist Party encourage you to take part in that strike?

Mr. MILLSTEIN. No, sir.

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. Mr. Tavenner, I took part in the Square D strike as a result of activity of UAW locals throughout Detroit.

The trade-union movement in Detroit recognized that the Square D strike was an attack against all unions.

I was only one of several thousands of UAW members, leaders, nonleaders, rank-and-file members that went down that picket line.

We weren't going to let them smash that strike. We weren't going to let them bring scabs into that plant, because if they got away with that they were going to bring scabs in the UAW shops.

Mr. CLARDY. To get this in proper perspective, isn't it true you took part in the activities long before anyone other than a handful of Communists and some of the strikers in Square D had anything to do with it?

Mr. MILLSTEIN. I said I picketed twice.

Mr. CLARDY. You picketed all over town before a number of them took an active part; isn't that a fact?

Mr. MILLSTEIN. Do you have evidence to that effect?

Mr. CLARDY. It isn't a fact?

Mr. MILLSTEIN. No, sir.

Mr. CLARDY. What was the day when you first went on a picket line?

Mr. MILLSTEIN. I don't remember the day.

Mr. CLARDY. I didn't think you would.

Mr. MILLSTEIN. Well, I could probably find it——

Mr. CLARDY. What week?

Mr. MILLSTEIN. Well, to place it in time, it was well after the 14 UAW locals issued the statement and began to have mass picket lines down there.

Mr. CLARDY. You had no behind-the-scenes activity in connection with that?

Mr. MILLSTEIN. No, sir.

Mr. CLARDY. None whatever?

Mr. MILLSTEIN. No, sir.

Mr. CLARDY. Are you an officer in any of the locals?

Mr. MILLSTEIN. I am the editor of my paper.

Mr. CLARDY. What is the name of it?

Mr. MILLSTEIN. The Forgerman.

Mr. SCHIERER. What union?

Mr. MILLSTEIN. UAW, CIO, Local Union 262.

Mr. CLARDY. How long have you been in that position?

Mr. MILLSTEIN. A little over a year.

Mr. SCHIERER. Are you a member of the Communist Party today?

Mr. MILLSTEIN. I refuse to answer that question for the reasons stated before.

Mr. CLARDY. Had you as the editor of your paper written anything about the Square D strike before you actually went on the picket line?

Mr. MILLSTEIN. Before I picketed?

I don't think so. I can't swear to it, but I don't think so.

Well, I am under oath, so——

Mr. CLARDY. It may have happened, or it may have not?

Mr. MILLSTEIN. I don't think so. I am pretty sure of that.

Mr. CLARDY. Go ahead, Mr. Tavenner.

Mr. TAVENNER. I show you a photograph showing the picket line at the Square D strike and I will ask you to look at the person there with the No. 3 on it, and ask you whether or not you can identify that person as Max Trachtenberg.

Will you point it out to him?

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. I see the person, No. 3. Now what is the question?

Mr. TAVENNER. The question is, Can you identify that person as Max Trachtenberg?

Mr. MILLSTEIN. Well, it looks a lot like him. You know, photographs are tricky. It looks a lot like him.

Mr. TAVENNER. You are reasonably satisfied that is Max Trachtenberg, aren't you?

Mr. MILLSTEIN. I would say it probably is.

(Representative Francis E. Walter entered the hearing room at this point.)

Mr. TAVENNER. Was he a person known to you to be a member of the Communist Party?

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. I refuse to answer that question for the reasons stated before.

Mr. TAVENNER. Did you confer with him about taking part in that strike on the picket line?

Mr. MILLSTEIN. I will refuse to answer that question for the reasons stated previously.

Mr. TAVENNER. Will you tell the committee, please, what you know about his activity in that strike?

That is, whether he participated in the picket line frequently; whether he exerted leadership in the conduct of the strike?

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. I can say that the two times I participated in the Square D strike, when I went down to the picket line, that I didn't see him there.

Mr. TAVENNER. According to an issue of the Daily Worker of July 27, 1948, you were the youth director of the Progressive Party of Detroit. Were you correctly reported?

Mr. MILLSTEIN. I will refuse to answer that question for the reasons stated previously.

Mr. TAVENNER. Are you now a member of the Communist Party?

Mr. MILLSTEIN. I refuse that one for the same reasons.

Mr. TAVENNER. Have you read a directive of the Communist Party of the State of Michigan, or been informed as to its contents regarding the seeking of positions in industry prior to your filing your application?

Mr. MILLSTEIN. I refuse to answer that question for the same reasons.

Mr. TAVENNER. Did you omit from your application for employment information for the purpose of enabling you to get in a position where you could exert leadership in the union?

(At this point Mr. Millstein conferred with Mr. Forer.)

Mr. MILLSTEIN. There is no connection between the two. I work in the shop and I take part in the union like any other good worker does, any other good union member does.

Mr. TAVENNER. Were you a member of the Communist Party unit or group within your union?

Mr. MILLSTEIN. I refuse to answer that for the same reasons.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. CLARDY. Mr. Scherer.

Mr. SCHERER. I have no questions.

Mr. WALTER. I have no questions.

Mr. CLARDY. Witness dismissed.

Before calling the next witness, by authority of the chairman, I am announcing the setting up of a subcommittee consisting of Congressman Scherer, Congressman Walter, and myself.

Because of other commitments, I will have to leave and Congressman Scherer will take over the chair.

Mr. TAVENNER. I call as the next witness Harold Robertson.

Mr. SCHERER (presiding). The witness will raise his right hand.

Do you solemnly swear the testimony you are about to give at this hearing will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ROBERTSON. I do.

Mr. SCHERER. Be seated, please.

TESTIMONY OF HAROLD ROBERTSON, ACCOMPANIED BY JOSEPH FORER, HIS COUNSEL

Mr. TAVENNER. What is your name, sir?

Mr. ROBERTSON. My name is Harold Robertson.

Mr. TAVENNER. Are you accompanied by counsel?

Mr. ROBERTSON. I am.

Mr. TAVENNER. Will counsel please identify himself for the record?

Mr. FORER. Joseph Forer, 711 14th Street NW., Washington, D. C.

Mr. TAVENNER. When and where were you born, Mr. Robertson?

Mr. ROBERTSON. Lake Charles, La., November 30, 1897.

Mr. TAVENNER. Where do you now reside?

Mr. ROBERTSON. 3584 Spruce Street, Inkster, Mich.

Mr. TAVENNER. How long have you lived in Michigan?

Mr. ROBERTSON. Oh, about 31—32 years; something like that.

Mr. TAVENNER. What is the nature of your present employment?

Mr. ROBERTSON. I work for the Ford Motor Co.

Mr. TAVENNER. How long have you worked for the Ford Motor Co.?

Mr. ROBERTSON. About 26 years.

Mr. TAVENNER. Have you held any position in your local union?

Mr. ROBERTSON. Well, I have held a position in the unit from which I worked at one time.

Mr. TAVENNER. What is the designation of that unit?

Mr. ROBERTSON. Well, it is called the motor building, where they build and construct the motors.

Mr. TAVENNER. What unit or group of the union is that? Is that designated—does it have a number?

Mr. ROBERTSON. No; it is called the motor building. The units are called by the names of the stuff that they produce.

Mr. TAVENNER. What positions have you held in that group?

Mr. ROBERTSON. What do you mean—positions?

Mr. TAVENNER. Well, have you held any position in your local union, any office?

Mr. ROBERTSON. Oh, I've held office in the unit as a financial secretary.

Mr. TAVENNER. Do you hold any office now?

Mr. ROBERTSON. Oh, no.

Mr. TAVENNER. When did you last hold office and what was it?

Mr. ROBERTSON. Oh, about 1947 I think. I'm not quite sure.

Mr. SCHIERER. Is secretary the only office that you held, Witness?

Mr. ROBERTSON. Well, in the unit, I was elected several times as committeeman.

I was elected from the unit to the local itself, to the general counsel.

Mr. SCHIERER. In what capacity?

Mr. ROBERTSON. I was secretary several times.

Mr. SCHIERER. What was the title of that office?

Mr. ROBERTSON. General counsel. That is the highest lawmaking body of the local.

Mr. SCHIERER. Have you told us now all of the positions you held within the union, either within the unit or within the union itself?

Mr. ROBERTSON. That's just about right.

Mr. SCHIERER. Are there any others?

Mr. ROBERTSON. Not to my memory.

Mr. SCHIERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Were you acquainted with Bereniece Baldwin?

Mr. ROBERTSON. I refuse to answer that question on the basis of my privilege under the fifth amendment not to be a witness against myself.

Mr. TAVENNER. At any time that you were an official of your union, your local union, were you a member of the Communist Party?

Mr. ROBERTSON. I refuse to answer that question for the same reason.

Mr. TAVENNER. Will you tell the committee, please, whether or not you were a signer of the 1946 Communist Party nominating petition for the State of Michigan?

Mr. ROBERTSON. I refuse to answer that question for the same reason.

Mr. TAVENNER. Were you a member of the Communist Party in 1946?

Mr. ROBERTSON. I refuse to answer that question for the same reason previously given.

Mr. TAVENNER. I have before me the May 22, 1949, issue of the Worker, which carries a photograph of your likeness, and there appears, in a short statement above it:

The worker on the picket line, Harold Robertson, member of the United Auto Workers Ford Local 600, works in the motor building, is shown as he sells copies of the airplane edition of the Daily Worker to strikers on Ford picket line.

Will you examine the document and state whether or not at the time of that publication you were a member of the Communist Party? That is in 1948.

Mr. FORER. May 22, 1949.

Mr. TAVENNER. 1949. I beg your pardon.

Mr. SCHIERER. Will you answer the question?

Mr. ROBERTSON. I refuse to answer that question for the same reason previously given.

Mr. SCHIERER. Well, why were you selling the Daily Worker on the picket line?

Mr. ROBERTSON. I refuse to answer that question for the same reason previously given.

Mr. SCHERER. What part did the Communist Party play in that strike?

Mr. ROBERTSON. I will refuse to answer that question as previously stated.

Mr. SCHERER. Do you know if it played any part or not?

Mr. ROBERTSON. I also refuse to answer for the same reason.

Mr. SCHERER. Are you a member of the party today?

Mr. ROBERTSON. I refuse to answer for the same reason.

(At this point Mr. Robertson conferred with Mr. Forer.)

Mr. SCHERER. You are aware that this Congress has found that the Communist Party is a conspiracy dedicated to the overthrow of this Government by force and violence, and otherwise, if necessary?

You are aware of that; are you?

Mr. ROBERTSON. Are you asking me a question?

Mr. SCHERER. Yes.

Mr. ROBERTSON. Or making a statement?

Mr. SCHERER. No. I asked you a question.

Mr. ROBERTSON. Would you repeat the question, please?

Mr. SCHERER. Will you read the question?

(The reporter read the question as follows:)

You are aware that this Congress has found that the Communist Party is a conspiracy dedicated to the overthrow of this Government by force and violence, and otherwise, if necessary? You are aware of that; are you?

Mr. ROBERTSON. I refuse to answer that question for the same reason previously given.

Mr. SCHERER. I direct you to answer that question.

(At this point Mr. Robertson conferred with Mr. Forer.)

Mr. ROBERTSON. Yes. Congress did pass such a law. I think they did. I'm not too sure about it.

Mr. SCHERER. You continued to remain a member of the Communist Party, have you not?

Mr. ROBERTSON. I refuse to answer that question for the same reason previously given.

Mr. TAVENNER. Are you acquainted with Harold Mikkelsen?

Mr. ROBERTSON. I refuse to answer that question as previously stated.

Mr. TAVENNER. Mr. Mikkelsen testified before this committee on May 4, 1954, at which time he was asked the question as to whether or not he knew a person by the name of Harold Robertson.

Mr. Mikkelsen has done undercover work for the Federal Bureau of Investigation within the Communist Party.

His answer to the question was:

Yes; I know Harold Robertson. He was at one time assigned to the Downriver section as section organizer for Ford.

Later it was deemed he was of more importance at Ford. So, they transferred him back again.

Now, were you at any time assigned to the Downriver section of the Communist Party in Detroit?

Mr. ROBERTSON. I refuse to answer that question, as previously given.

Mr. TAVENNER. Were you acquainted with Milton Santwire?

Mr. ROBERTSON. I refuse to answer that question as previously stated.

Mr. TAVENNER. Didn't he work in the Ford plant with you?

Mr. ROBERTSON. I refuse to answer that question as previously given.

Mr. TAVENNER. Mr. Santwire also had entered the Communist Party at the request of the Federal Bureau of Investigation.

In the course of his testimony before the committee, in April 1954, this statement was made to him:

In the Motor Building there is an individual by the name of Robertson.

Mr. SANTWIRE. That is correct.

Question. Did you know Harold Robertson to be a member of the Communist Party?

Answer. Yes; very much so.

Question. Was he a member of the Motor Building Club?

Answer. He was a member of the Motor Building Club.

The question was then asked:

Is he still employed by Ford, to the best of your knowledge?

And the answer was:

To the best of my knowledge, he is still employed.

Do you desire to make any statement to the committee regarding the testimony of Mr. Santwire in identifying you as a member of the Communist Party?

(At this point Mr. Robertson conferred with Mr. Forer.)

Mr. ROBERTSON. I refuse to answer that question for the same reason.

Mr. TAVENNER. His identity of you was correct, was it not?

Mr. ROBERTSON. I refuse to answer that question for the same reason previously given.

Mr. TAVENNER. Now, at the time that you were alleged to have been a member of the Community Party, as to which you have refused to answer, had you been a candidate for any elective office in your community, at Inkster?

Mr. ROBERTSON. Repeat that question again.

Mr. TAVENNER. I said, during the period of time we have been discussing, when you have been identified by witnesses as having been a member of the Communist Party, were you a candidate for any elective office?

Mr. FORER. What time? What time do you mean?

Mr. TAVENNER. The time probably has not been definitely established.

Mr. FORER. Why don't you ask him if he has ever been a candidate?

Mr. TAVENNER. I will withdraw the question.

Let me ask you: Are you a member of the Communist Party now?

Mr. ROBERTSON. I refuse to answer that question on the basis previously stated.

Mr. TAVENNER. What political offices have you sought in the past 5 years?

(At this point Mr. Robertson conferred with Mr. Forer.)

Mr. ROBERTSON. Well, I ran for the council last spring in the village of Inkster.

Mr. TAVENNER. Were you a member of the Communist Party while you were such a candidate?

Mr. ROBERTSON. I refuse to answer that question for the reason previously stated.

Mr. TAVENNER. Did you run for any other office?

Mr. ROBERTSON. When?

Mr. TAVENNER. At any time.

Mr. ROBERTSON. Not to my knowledge.

I don't remember running for any other office.

Mr. TAVENNER. Weren't you a candidate for a position on the school board at Inkster?

Mr. ROBERTSON. Well, if you consider that a political office, I did run for the school board.

Mr. TAVENNER. I didn't call it a political office. I called it an office.

Mr. ROBERTSON. Well, the first question, if I recall, mentioned political office.

Mr. TAVENNER. Maybe I am in error. Go ahead.

Mr. ROBERTSON. Perhaps you are.

Mr. TAVENNER. I meant any position or office.

Mr. ROBERTSON. I ran for the school board, and that is not a political office.

Mr. TAVENNER. Were you a member of the Communist Party when you were seeking election to that office?

Mr. ROBERTSON. I refuse to answer that question, as previously given—for the reason given.

Mr. TAVENNER. Have you been a candidate for any other public office?

Mr. ROBERTSON. I don't remember being a candidate for any other office.

Mr. TAVENNER. It is very interesting to consider what may have happened to the school board if a member of the Communist Party were elected to it.

Would you have, if elected, denied a person who is a member of the Communist Party employment as a teacher?

Mr. ROBERTSON. I refuse to answer that question, as previously given.

Mr. TAVENNER. I have no further questions.

Mr. WALTER. No questions.

Mr. SCHERER. The witness is excused.

Mr. TAVENNER. Mr. Philip Halper.

Mr. SCHERER. Do you solemnly swear that the testimony you are about to give at this hearing shall be the truth, the whole truth and nothing but the truth, so help you God?

Mr. HALPER. I do.

Mr. SCHERER. Be seated.

TESTIMONY OF PHILIP H. HALPER, ACCOMPANIED BY JOSEPH FORER, HIS COUNSEL

Mr. TAVENNER. What is your name, please?

Mr. SCHERER. Be seated, please.

Mr. HALPER. I have a request to make, please.

I would like to request that Congressman Walter disqualify himself from these proceedings until after I give my testimony.

Mr. SCHERER. The request is overruled.

Mr. TAVENNER. What is your name, please, sir?

Mr. HALPER. Philip H. Halper.

Mr. TAVENNER. It is noted you are accompanied by Mr. Forer as counsel.

When and where were you born, Mr. Halper?

Mr. HALPER. In New Haven, Conn., August the 8th, 1899.

Mr. TAVENNER. Will you tell the committee, please what your formal educational training has been?

Mr. HALPER. I had primary and high school education in Bridgeport, and New Haven, Conn.

I am also a graduate with a degree of bachelor of philosophy from the Sheffield Scientific School of Yale University; and I attended 1 year of law school in the New York Law School of New York City.

Mr. TAVENNER. When was that?

Mr. HALPER. I believe that was 1922; I believe 1921, 1922, the fall of 1921 until the summer of 1922.

Mr. TAVENNER. Will you tell the committee, please, what your employment has been since 1945, or in what work you have been engaged?

Mr. HALPER. Well, let's see now. In 1945 I was a salesman for one organization, and I have worked in jewelry stores as a jewelry salesman, as a watchmaker.

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. HALPER. That's about the extent of my employment.

Mr. SCHERER. You haven't told us the name of any of the employers.

Mr. HALPER. I worked about 17 years, I believe for—much prior to 1945, for the Peerless Chemical Co. of Detroit.

Mr. TAVENNER. Well, limit it to 1945.

Mr. SCHERER. Pardon me just a minute, Mr. Tavenner.

Mr. Tavenner's question was since 1945.

Mr. HALPER. Yes. Well, at that time I was employed as a salesman for the Peerless Chemical Co. of Detroit, Mich., and I also at the same time was employed—do you want the name of the jewelry store?

Mr. SCHERER. Yes.

Mr. HALPER. The Ehrlich Jewelry Co. of Detroit.

I was also a part time—that was part-time employment.

I was employed part time by the Slatkin Jewelry Co. and also by the Drake Jewelry Co.

Mr. SCHERER. Witness, have you given us the names of all the companies for whom you were employed since 1945?

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. HALPER. That's about all I can remember. At present I am self-employed.

Mr. SCHERER. In what capacity?

Mr. HALPER. As a watchmaker and jewelry salesman.

Mr. SCHERER. Have you engaged in any other type of activity since 1945?

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. HALPER. Will you please explain, sir?

Mr. SCHERER. Business activity; occupational activity.

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. HALPER. I shall refuse to answer that question, sir, on the basis of my rights under the first amendment and my privilege under the fifth amendment not to be a witness against myself.

Mr. SCHERER. I direct that you answer the question.

Mr. HALPER. I refuse to answer on the basis of my rights under the first amendment and my privilege under the fifth amendment not to be a witness against myself.

Mr. SCHERER. Proceed, Mr. Tavenner.

Mr. TAVENNER. Mr. Halper, were you made aware of the directive issued by the Communist Party for the State of Michigan relating to the expansion of the Michigan Worker?

Mr. HALPER. I shall refuse to answer that question for reasons previously stated.

Mr. TAVENNER. You do know, as a fact, do you not, that under this secret directive the Communist Party was urged to develop and strengthen the Michigan Worker?

Mr. HALPER. I refuse to answer that question for reasons previously stated.

Mr. TAVENNER. This document that I referred to was introduced in evidence during the course of the Detroit hearings, and I want to at this time make one short paragraph a part of the record here.

It is entitled "Consistent Expansion of Michigan Worker."

It has been amply illustrated during the speedup campaign that the Michigan Worker is the principal organizing instrument of our party, if properly coordinated with the work of our party, capable of setting tens of thousands of Rouge workers into motion. It will be necessary, therefor, within the next 3½ months to prepare at least 2 special editions of the Michigan Worker around the 2 concentration campaigns of the party.

Concrete objectives are: "(a) 2,000 copies of special editions, with assistance of State president; (b) secure renewal of all expiring subscriptions; (c) securing 300 additional subscribers; (d) organize weekly bundle sale of 300.

Now, did you participate in the development of that program for the Michigan Worker?

Mr. HALPER. I refuse to answer that question for the same reasons I have given.

Mr. TAVENNER. Did you hold any position after 1945 of employment without compensation?

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. HALPER. I refuse to answer that, sir, for the same reasons.

Mr. TAVENNER. As a matter of fact, you were on December 7, 1948, the business manager of the Michigan Herald, were you not?

Mr. HALPER. I refuse to answer that question, for the same reason.

Mr. WALTER. What date was that, Mr. Tavenner?

Mr. TAVENNER. December 7, 1948.

I hand you a photostatic copy of a letter, a photostatic copy of a copy of a letter on the letterhead of the Michigan Herald.

Will you examine it, please, and state whether or not you recall having written that letter?

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. HALPER. I shall refuse to answer that, sir, for the same reasons.

Mr. TAVENNER. I desire to offer the document in evidence and ask that it be marked "Halper Exhibit No. 1."

Mr. SCHERER. It will be so received and so marked.¹

¹ Retained in the files of the committee.

Mr. TAVENNER. The letter is as follows—it is addressed to Embassy of France, Washington, D. C.:

DEAR SIR: The Michigan edition of the Workers is sponsoring an all-nations bazaar on December 17, 18, and 19. We would like to display some material from France. Will you please send us some color posters of scenes in Yugoslavia or any other material which you feel would be suitable for display?

And typewriting appears under that, "Philip Halper, Business manager."

It is on the letterhead of the Michigan Herald.

Do you recall the incident referred to in the letter?

Mr. HALPER. I refuse to answer that question, sir, for the same reason.

Mr. WALTER. What was the date?

Mr. TAVENNER. December 7, 1948.

Will you tell the committee, please, whether the Michigan Herald was succeeded shortly after this by the Michigan Worker?

Mr. HALPER. I refuse to answer that question for the same reason.

Mr. TAVENNER. Did you become business manager of the Michigan Worker?

Mr. HALPER. I refuse to answer that question for the same reason.

Mr. SCHERER. For the record, Mr. Counsel, the Michigan Worker is the official organ of the Communist Party in the State of Michigan; is that right?

Mr. TAVENNER. Yes, sir.

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. TAVENNER. During the course of Bereniece Baldwin's testimony she was asked this question:

Was there a club—

meaning club of the Communist Party—

known by the name of Fenkell Club—F-e-n-k-e-l-l?

Mrs. BALDWIN. Yes; there was, and that was also located or took in members of the Fenkell district. It was on a community basis.

Question. Fenkell?

Mrs. BALDWIN. That is correct.

Question. Will you give us the names of those persons, please, who were officers of that club?

Mrs. BALDWIN. Yes. Phil Halper was chairman in 1945 and 1946.

And then she proceeds to describe other officers.

Now, were you an officer of that club of the Communist Party in 1945 and 1946?

Mr. HALPER. I refuse to answer that question for the same reason.

Mr. TAVENNER. Bereniece Baldwin described a State conference of the Communist Party which was held April 21 and 22, 1950. My recollection is that she was one of those who checked in the members who attended that meeting, and among those that she identified as having attended that conference, as delegates from their respective units, was Phil Halper, and that you were a representative at that conference from the Daily Worker office.

Is there anything wrong about her identification or an error about her identification of you as having been present at that conference as a delegate from the Daily Worker office?

Mr. HALPER. I refuse to answer that question for the reasons previously stated.

Mr. TAVENNER. Were you at the hearing which was conducted by the committee in April-May 1954, in Detroit?

(At this point Mr. Halper conferred with Mr. Forer.)

Mr. HALPER. Yes.

Mr. TAVENNER. Were you a member of the Communist Party at that time?

Mr. HALPER. I refuse to answer that question for reasons previously stated.

Mr. WALTER. What was that date?

Mr. APPELL. April and May of this year, sir.

Mr. TAVENNER. The committee has received information indicating that you have probably been expelled from the Communist Party since that time. Is it true?

Mr. HALPER. I refuse to answer that question for reasons previously stated.

Mr. TAVENNER. Are you a member of the Communist Party now?

Mr. HALPER. I refuse to answer that question for reasons previously stated.

Mr. TAVENNER. You will refuse to tell the committee whether or not you have been expelled and why the Communist Party expelled you?

Mr. HALPER. I shall insist upon retaining my constitutional rights, sir.

Mr. TAVENNER. I have no further questions, Mr. Chairman.

Mr. SCHERER. Mr. Walter.

Mr. WALTER. I have no questions.

Mr. SCHERER. No questions.

The witness is excused.

The committee will be in recess until 2:30.

(Whereupon, at 12:42 p. m., the hearing was recessed, to reconvene at 2:30 p. m. of the same day.)

AFTERNOON SESSION

(At the hour of 2:30 p. m., of the same day, the hearing was resumed.)

Mr. KUNZIG. I have been asked to announce that Mr. Velde, the chairman of the committee, has been called to the center of town.

The hearing will be continued to December 6, 1954, at 10:30 a. m.

(Whereupon, at 2:46 p. m., the hearing adjourned to Monday, December 6, 1954, at 10:30 a. m.)



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